

proceeding in the House shall be observed in Committee of the Whole House so far as they are applicable." Our Digest of Rules, when it states that the chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order, says:

Of course it is otherwise where the point was reserved before commitment.—*Digest*, 265.

The fact that the House allows points of order to be reserved before commitment proves that it virtually instructs that the fact of commitment shall not cut them off. Otherwise the practice of reserving points of order on these bills would be worse than an unmeaning farce. It would operate as a snare and a fraud. Otherwise all the purposes sought by distributing matters among our committees according to their jurisdictions, fixed by the rules, would be thwarted. Otherwise the river and harbor bill would be an omnibus, capable of carrying whatever a majority of the Committee on Rivers and Harbors chose to pack into it, however foreign to its jurisdiction, and that too with a guaranteed "right of way" in preference to all legislation except that necessary to preserve the life of the Government. Such a construction must be wrong. The first and second points of order are sustained and the lines objected to will be stricken from the bill.

Mr. HENDERSON, of Illinois. I am compelled to take an appeal from the decision of the Chair, and upon that appeal I wish to be heard.

Mr. WILLIS. The hour for adjournment has almost arrived. Will my friend from Illinois yield to me that I may move that the committee rise?

The CHAIRMAN. The Chair will recognize the gentleman from Illinois when the House again resolves itself into Committee of the Whole House on the state of the Union to consider this bill. The appeal taken from the decision of the Chair will be considered as pending.

Mr. TURNER, of Georgia. As the gentleman from Illinois has submitted an appeal from the decision of the Chair, I desire to submit a motion relating to that appeal.

Mr. MURPHY. It is understood we reserve all rights of whatever kind we may have, and that in the flurry of the committee rising at this time no right shall be sacrificed.

The CHAIRMAN. The Chair will state the situation. An appeal is taken from the decision of the Chair. The gentleman taking the appeal has the floor, and, pending that, yields for a motion that the committee rise.

Mr. RANDALL. I ask that the gentleman from Kentucky [Mr. WILLIS] may be allowed to waive that motion until this appeal is disposed of. [Cries of "No!" "No!" "No!"]

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 59 minutes a. m., February 20, 1885) the House adjourned.

#### PETITIONS, ETC.

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

By Mr. J. M. CAMPBELL: Petition of citizens of Tyrone borough, Pa., asking Congress to discontinue the carrying of mails and the distribution of mail matter on the Sabbath—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIN: Papers relating to the claim of Lewis Rothermel—to the Committee on War Claims.

By Mr. ERMENROUT: Petition of George Scoville, for compensation as counsel in the Guiteau trial—to the Committee on the Judiciary.

By Mr. HITT: Petition of Rev. F. A. Robinson and 52 others, of Winnebago, Ill., for legislation checking the increase of polygamy—to the same committee.

By Mr. HOLMAN: Petition of John A. Plattes Post of Grand Army of the Republic of Indiana, praying Congress to grant to each Union soldier, honorably discharged, one hundred and sixty acres of land, or to their widows or minor children—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOPKINS: Petition of citizens of Pittsburgh, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HOWEY: Papers relating to the claim of Stephen H. Myers, of Somerset County, New Jersey—to the Committee on War Claims.

By Mr. HUTCHINS: Petition of citizens of New York, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. JAMES: Petition of John D. Wells, D. D., and 70 others, citizens of Brooklyn; of Roswell D. Hitchcock, D. D., and 102 others, citizens of New York; and of D. W. McWilliams and 27 others, citizens of Brooklyn, N. Y., praying for legislation to prevent increase of Mormonism—to the same committee.

By Mr. S. H. MILLER: Petition of citizens of Meadville, Pa., urging legislation to suppress Mormonism—to the same committee.

By Mr. MORRILL: Petition for the appropriation of \$12,000 for the repair of the roads in the military reservation of Fort Leavenworth, Kans.—to the Committee on Appropriations.

By Mr. MURRAY: Petition from ex-soldiers in Washington, D. C., praying for the purchase of Miss Ransom's life-size portrait of General George H. Thomas—to the Committee on the Library.

By Mr. POLAND: Petition of Henry A. Frost, of New York city, praying relief for being deprived of his liberty in violation of the Constitution, with accompanying papers—to the Committee on the Judiciary.

By Mr. ROBERTSON: Petition of citizens of Breckinridge County, Kentucky, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. RYAN: Petition of Joseph Dunlap, for reference of his war claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. A. HERR SMITH: Petition of 170 citizens of Lancaster County, Pennsylvania, against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. STEVENS: Petition of Lossen W. Mead, Company E, Twenty-first Missouri Infantry, for relief—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of Boston Handel and Haydn Society, H. H. Darby, of Saint Louis, and many others, citizens of the United States, for the passage of the Dorsheimer bill, or a similar international copyright bill—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Rev. A. Lehman and 33 others, citizens of Dresden; of J. K. Caldwell and 50 others, citizens of Zanesville; of Levi Knowlton and 110 others, citizens of Utica; and of J. Glover and 60 others, citizens of Coshocton, Ohio, praying for the suppression of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 18 citizens of Minneapolis; of 91 citizens of Greenleaf, and of 62 citizens of Clyde, Kans.

By Mr. ATKINSON: Of 50 citizens of Franklin County, Pennsylvania.

By Mr. CLARDY: Of Charles A. Weber and 132 others, citizens of Perryville, and of 63 citizens of Belgrade, Washington County, Missouri.

By Mr. ELLWOOD: Of 150 citizens of Kaneville and of 100 citizens of Plato Centre, Kane County, Illinois.

By Mr. FUNSTON: Of citizens of Weir, of Galena, of Equity, and of Wellsville, Kans.

By Mr. GRAVES: Of William Marsh and others, of Holden; of J. O. Dockwell and others, of Independence; of R. Fosset and others, of Kansas City, and of Samuel Crum and others, of Independence, Mo.

By Mr. HANBACK: Of C. E. Monell and 200 others, of Kirwin; of James Secrist and 50 others, of Ellsworth County; of Samuel McClary and 10 others, of Ibaton; of Daniel Truberg and 50 others, of Glen Elder, and of William C. Whitney and 200 others, of Cawker City, Kans.

By Mr. KEIFER: Of A. Richards and 34 others, of Rushsylvania, Logan County, Ohio.

By Mr. MORRILL: Of George Brooking and 60 others, citizens of Saint George; of W. F. McClain and 48 others, citizens of Wetmore, and of Andrew Card and 41 others, citizens of Laclede, Kans.

By Mr. LACEY: Of J. A. Burchard and 62 others, of Bellevue, Mich.

By Mr. ROWELL: Of 90 citizens of Chestnut, Ill.

By Mr. WARD: Of citizens of Hobbs, Tipton County; of Pendleton, Madison County, and of Mason, Clinton, and Noblesville, Hamilton County, Indiana.

By Mr. JAMES WILSON: Of citizens of Marion, Linn County, Iowa.

#### SENATE.

FRIDAY, February 20, 1885.

The Senate met at 11 o'clock a. m.

Prayer by Rev. JAHU DE WITT MILLER, of the city of Philadelphia. The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimate of appropriation by the Commissioner of Internal Revenue of \$10,500, required under section 3689 of the Revised Statutes, to refund to persons money collected from them without warrant of law under a recent decision of the Court of Claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, reporting the allowance of the claim of John Finn, payable from an appropriation which is exhausted; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations received from the Secretary of the Navy for the contingent expenses of the Navy Department for the fiscal years 1884 and 1885, and for testing rifled cannon for new cruisers; which, with the accompanying estimates and papers, were referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 14th instant, a report of the Chief of Engineers on the subject of a new lock on the Saint Mary's Falls Canal, in the State of Michigan, and estimates therefor; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

#### PUBLIC BUILDING AT KEY WEST.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives returning a Senate bill with amendments. The message will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 19, 1885.

Resolved, That the bill from the Senate (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., pass with the following amendments:

In line 2 of the bill, after the word "directed," to strike out all down to and including the word "necessary," in line 4, and insert "purchase, at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary."

In line 8 strike out the words "including the purchase of land;" in line 10 strike out the word "fifty" and insert "forty."

The PRESIDENT *pro tempore*. If there be no objection the bill with the amendments will be referred to the Committee on Public Buildings and Grounds.

Mr. CALL. The Senator from Virginia [Mr. MAHONEY] informs me that there is a clerical error in the bill as it came from the House.

The PRESIDENT *pro tempore*. The first amendment proposed by the House strikes out certain words from the bill and inserts identically the same words. The Chair thought that it might go to the committee so as to be reported with the correction.

Mr. CALL. Very well.

#### HOUSE BILL REFERRED.

The bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7585) for the relief of William M. Gardner;

A bill (H. R. 7584) for the relief of A. B. Montgomery; and

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

#### PETITIONS AND MEMORIALS.

Mr. LAPHAM. I present a copy of concurrent resolutions of the Legislature of New York, which is as follows:

Whereas Hon. GEORGE F. EDMUNDS, in January, introduced into the Senate a bill entitled "A bill to authorize an additional appointment on the retired-list of the Army," which bill has passed the Senate and is now awaiting action in the House of Representatives; and

Whereas the said bill is intended to create a position upon the retired-list of the Army for that illustrious soldier Ulysses S. Grant; Therefore,

Resolved (if the assembly concur), That our Representatives in Congress from this State be, and they are hereby requested to support the said bill, and to urge a measure which will place General Grant upon the retired-list.

Resolved (if the assembly concur), That the governor be requested to transmit a copy of these resolutions to each of our Representatives in Congress.

I move that the resolutions lie on the table.

The bill having passed the Senate I suppose the resolutions should lie on the table.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New York that the paper he sent to the Chair is not an original paper. It is a printed copy.

Mr. LAPHAM. I stated that it was a copy.

Mr. MILLER, of New York. The original of the resolution was presented and read several days ago, as I remember.

Mr. LAPHAM. I was not aware of that.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received, and laid on the table.

Mr. MITCHELL. I present a petition of the Ministerial Association of Erie, Pa., in relation to the Mormon question, praying for the passage of a bill the design of which shall be to check in our Republic the subversive influence of Mormonism on our democratic laws, free institutions, and the morality of the nation. I suppose this petition should go to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. As that subject has been passed upon by that committee and by the Senate, the petition had probably better be laid on the table.

Mr. MITCHELL. Very well.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. CULLOM presented a joint resolution of the Legislature of Illinois; which was read, and referred to the Committee on Commerce, as follows:

Preamble and joint resolution adopted by the thirty-fourth General Assembly of Illinois.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and Portage Lake Improvement Company Canal, and also inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War designated Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity with said resolution; and

Whereas the honorable Secretary of War did report, on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest and most serious disasters have occurred; Therefore,

Be it resolved by the senate of the State of Illinois (the house of representatives concurring), That our Senators and Representatives in Congress are hereby requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring the title to, and the ownership of, the ship-canals connecting the waters of Keweenaw Bay, by way of Portage Lake, with the waters of Lake Superior, in the upper peninsula of Michigan, in accordance with the report of the honorable Secretary of War, presented to the United States Senate on or about January 5, A. D. 1885, in reply to its resolution of April 22, A. D. 1884, and making them free for the navigation and commerce of the great lakes.

Resolved, That the honorable secretary of state is hereby requested to forward a copy of the foregoing preamble and resolutions to each of the Senators and Representatives in Congress from the State of Illinois.

Adopted by the senate, January 30, A. D. 1885.

J. C. SMITH,  
President of the Senate.

L. F. WATSON,  
Secretary of the Senate.

Attest:

Concurred in by the house of representatives, February 4, A. D. 1885.

E. M. HAINES, Speaker.

Teste:

R. A. D. WILBANKS,  
Clerk House of Representatives.

UNITED STATES OF AMERICA,  
State of Illinois, ss:

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a preamble and joint resolution adopted by the thirty-fourth General Assembly of the State of Illinois, and filed in this office February 6, A. D. 1885.

In witness whereof, I hereunto set my hand and affix the great seal of State, Done at Springfield, the 6th day of February, in the year of our Lord 1885.

HENRY D. DEMENT,  
Secretary of State.

Mr. CULLOM presented resolutions of the Board of Trade of Chicago, Ill., favoring certain amendments of the House bill in relation to bills of lading and to determine the liability of ship-owners and others thereunder; which were referred to the Committee on Commerce.

Mr. COCKRELL. I present a petition signed by a number of leading attorneys and citizens of Saint Louis, Mo., praying that a committee of Congress, or a commission outside of Congress, be appointed to prepare a code of procedure for all Federal tribunals of every kind and jurisdiction. Attached to the petition is a memorial stating the reasons why they desire this done. I ask—it is not very long—that the petition may be printed and referred to the Committee on the Judiciary. It will doubtless attract some attention, and I think it would be to the interest of the public service that it should be printed.

The PRESIDENT *pro tempore*. The Senator from Missouri presents a memorial the nature of which he has stated. He asks that it be printed and referred to the Committee on the Judiciary. That order will be entered, if there be no objection.

Mr. WILSON presented the petition of Elias Jessup, William T. Smith, and Isaac T. Gibson, representing the Iowa Yearly Meeting of the Society of Friends, praying for the establishment of international arbitration for the prevention of war; which was referred to the Committee on Foreign Relations.

Mr. SLATER. I present a petition of citizens of Coos County, Oregon, praying for an appropriation of \$100,000 for the improvement of the mouth of the Coquille River, and setting forth the importance and necessity of such improvement. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB presented a concurrent resolution of the house of representatives of Kansas; which was read, and referred to the Committee on Public Lands, as follows:

[House concurrent resolution No. 16, relating to the resurvey by the Government of certain townships in Edwards County.]

Whereas it appears from information in possession of the Legislature, that townships numbered 26, 27, 28, of ranges Nos. 16, 17, 18, 19, and 20, W. 6 P. M., in Edwards County, Kansas, have never been sectionized and subdivided according to law, and that no section corners have ever been established therein; and

Whereas a large population has settled upon these lands (the same being known as the Osage trust lands, &c.) according to law, many of whom it is be-



lieved are not in fact actually located upon the several pieces of land upon which they have legally and in good faith filed their claims and purchased; and

Whereas the Government field-notes of said lands are found to be false and fraudulent, and no section corners, after careful and persistent search, have ever been found in said townships, and as no authority exists under the laws of the State of Kansas by which said lands can be resurveyed and proper lines and corners established; and

Whereas under the laws of the United States as they now exist no such resurvey can be made except at the expense and cost of the settlers upon said lands, which expense said settlers are utterly unable to meet, and as said lands were disposed of by the United States Government under the authority of law, with the express guarantee and said lands had been properly surveyed, sectionized, and the corners distinctly marked according to law; and

Whereas in case of such resurvey, because of the false and fraudulent characters of said field-notes, the United States Government has in fact and law ample security for the cost of such resurvey, in the still existing bonds of the original contractors for the original survey of said township; and as there is good reason to believe that others and similar cases exist in other counties of the State of Kansas inflicting great wrong and hardships upon the settlers upon such lands: Now, therefore,

*Be it resolved by the house of representatives of the State of Kansas (the senate concurring).* That our Senators in Congress be instructed and our Representatives requested to bring this subject before Congress, and ask the immediate enactment of laws providing—

First. That on the presentation to the Commissioner of the General Land Office that any township or part of township of land, sold or otherwise disposed of under authority of law, had never in fact been surveyed according to law, or that the plats and field-notes on file in the proper office were in fact false and fraudulent, it be made the duty of said Commissioner at once to order a resurvey of said townships or parts of townships at the cost of the Government, and also to prosecute the contractors for the original survey of such townships or parts of townships, and their sureties, for failure to perform their contracts, and for such damages as may be provided for in such contracts.

Second. That on the presentation of such satisfactory proof that any township or part of township has never in fact been legally surveyed and subdivided according to law, that provision be made for the relief of actual settlers upon such lands; that the time given them to perform the duties and make the proofs required according to law.

Third. *Be it resolved.* That the secretary of state is hereby instructed to forward duly authenticated copies of this preamble and of these resolutions, with accompanying papers, to the several members of Congress from this State.

#### STATE OF KANSAS.

##### Office of Secretary of State:

I, E. B. ALLEN, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 12th day of February, A. D. 1885.

E. B. ALLEN, Secretary of State.

Mr. VANCE presented the petition of certain North Carolina Creek Indians now residing in the Indian Territory praying the confirmation of lands awarded to them in North Carolina under a decree of the circuit court of the United States for the western district of North Carolina; which was referred to the Committee on Indian Affairs.

Mr. SEWELL presented the petition of J. R. Haskell, of New York, praying that an appropriation of \$250,000 be made for the purpose of constructing and testing three of the Haskell multicharge guns; which was referred to the Committee on Appropriations.

#### REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;

A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;

A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;

A bill (H. R. 7722) granting a pension to Almira K. Parker;

A bill (H. R. 7308) for the relief of David Fried;

A bill (H. R. 8104) granting an increase of pension to George S. Hawley; and

A bill (S. 2367) granting a pension to Sarah A. White.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6940) granting a pension to Sarah M. Bissell, who is the widow of Commodore Bissell, who was in the service from 1826 to 1883, to report it adversely by a majority of the committee, and with a minority report recommending the passage of the bill. In the report the facts are set forth. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The bill will be placed on the Calendar with the adverse report of the committee, and the views of the minority will be printed, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2028) granting a pension to Sarah M. Bissell, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 5838) granting a pension to Henry Ballinger;

A bill (H. R. 3040) for the relief of Mary Tarbell;

A bill (H. R. 5835) granting a pension to J. H. Adams;

A bill (H. R. 6182) granting a pension to Edwin Thomas; and

A bill (H. R. 3158) for the relief of Werner Lentz.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5555) granting a pension to James Frazier;

A bill (H. R. 2068) granting a pension to James H. Reid;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler;

A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;

A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (H. R. 5938) to pension Julia A. Marcum;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (H. R. 7602) to grant a pension to Harriet M. Bailly; and

A bill (H. R. 7731) granting a pension to Lois B. Smith.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the bill (S. 1776) granting a pension to James H. Reid, and the bill (S. 2222) granting a pension to James H. Reid, reported adversely thereon; and the bills were postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3749) granting a pension to William Bolwark;

A bill (H. R. 2537) granting a pension to Hugh Ryan;

A bill (H. R. 2539) granting a pension to George W. Kiser;

A bill (H. R. 1046) granting a pension to Mary A. Griffin;

A bill (H. R. 7336) granting a pension to T. A. Morton; and

A bill (H. R. 7338) granting a pension to Chloe A. Whipple.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2451) for the protection of forests on the public domain, reported it without amendment.

Mr. MILLER, of New York. I am also instructed by the Committee on Agriculture and Forestry to report a joint resolution placing a portion of the Arlington estate, now owned by the United States, under the control of the Commissioner of Agriculture, and I ask for its present consideration.

The joint resolution (S. R. 131) placing a portion of the Arlington estate, now owned by the United States, under the control of the Commissioner of Agriculture was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. ALLISON. I do not object unless it will lead to debate. If it does, I shall object.

Mr. INGALLS. Is the morning business concluded?

The PRESIDING OFFICER. The morning business is not concluded.

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. Objection being made, the joint resolution will go upon the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;

A bill (H. R. 3728) granting a pension to Charles P. Mahan;

A bill (H. R. 3605) granting a pension to Eliza Sluss;

A bill (H. R. 7256) granting a pension to John A. Vanderhoff;

A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; and

A bill (H. R. 6018) increasing the pension of George Tapp.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 882) for the relief of William B. Stokes;

A bill (S. 186) granting a pension to Penelope T. Heald;

A bill (S. 185) granting a pension to Mrs. Mary S. W. Harris; and

A bill (S. 725) for the relief of Charles Seymour, of Flint, Mich., for services in the war of 1812, and for pension.

Mr. MITCHELL. I am directed by the Committee on Pensions, to whom was referred the bill (S. 358) granting a pension to Thomas E. Brawnner, to report it adversely and move its indefinite postponement.

Mr. COCKRELL. I have been trying to get that bill out of the Senate for a long time, and I thought I had once before requested that it should be withdrawn. The pension was granted some time ago, and I suppose that is the ground upon which it is reported adversely.

Mr. MITCHELL. That is the ground of the adverse report.

The PRESIDING OFFICER. If there be no objection, the bill will be indefinitely postponed.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 7709) granting a pension to Louisa A. Estes; and

A bill (H. R. 4833) granting a pension to Louisa Earle.

Mr. SLATER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll; and

A bill (H. R. 5124) granting a pension to Samuel Z. Cooper.

Mr. SLATER. I am directed by the Committee on Pensions to report adversely on the bill (S. 2043) for the relief of Maria L. Strong.

I desire to state that this is the report of the majority, there being a minority opposed to the report. I ask that the bill be put upon the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 278) granting a pension to Mary E. McConnell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 445) authorizing the establishment of a horse-railroad upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island, previously reported by him.

Mr. McMILLAN. I am instructed by the Committee on Commerce to report favorably with an amendment the bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; and I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill be now considered. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. McMILLAN. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order. Objection is made.

Mr. McMILLAN. Will the Senator from Kansas withdraw his objection for a moment?

Mr. INGALLS. Yes, sir.

Mr. McMILLAN. The amendment is such as the Senate has invariably incorporated in these House bills, and its adoption will require the bill to be returned to the House for consideration there. The House, I am sure, if they have an opportunity, will consent to the amendment. It will take but a very brief time to consider the bill if the Senator will withdraw his objection. [A pause.] Silence may be regarded as giving consent, Mr. President.

Mr. INGALLS. I ask for the regular order.

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

Mr. CAMERON, of Wisconsin. During the last session of the present Congress a bill was introduced for the relief of Juliet Leef and others. The bill was referred to the Committee on Claims, and reported back adversely. Quite recently the House of Representatives passed a similar bill, the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil. That bill was referred to the Senate Committee on Claims, and I am instructed by that committee to report it back without recommendation. The committee is willing that it should go upon the Calendar. The committee, however, does not withdraw its objection to the bill.

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

Mr. COCKRELL. I understand that the committee has not changed its former report.

Mr. CAMERON, of Wisconsin. The committee has not changed its former report.

#### CONSIDERATION OF PENSION BILLS.

Mr. MITCHELL. I desire to state that the Committee on Pensions will ask the Senate to take up private pension bills on Monday, including not only those favorably reported, but a large number adversely reported. Among the latter bills, those of prominent cases that have attracted the general attention of the country and the special attention of many Senators, are the cases of Mrs. Ann Cornelia Lanman, Mrs. Emma De Long, Mrs. Francis McNeil Potter, Mrs. Emily L. Alvord, Mrs. S. Dana Greene, Mrs. Margaret D. Marchand, Mrs. Margaret B. Harwood, Mrs. Martha C. Breese, Mrs. Emily M. Wyman, Mrs. Sophia A. Morgan, and Mrs. Eliza Willson Thornburgh.

Senators will please take notice of this proposed action, and I think if we go about the business promptly on Monday we can get through with all the pension bills upon the Calendar.

Mr. BLAIR. There are a number of other contested cases on the Calendar besides those which the Senator has mentioned.

Mr. MITCHELL. There are many other cases of adverse reports on the Calendar, in which of course the Senators who requested those bills to be placed on the Calendar are interested. I only mention those which have received attention generally.

#### SUPREME COURT OPINIONS FOR SENATORS.

Mr. MANDERSON. At the last session of the present Congress there was referred to the Committee on Printing the following resolution:

*Resolved*, That the Committee on Printing be directed to make provision that printed copies of all opinions given by justices of the Supreme Court be furnished to every Senator as soon as filed.

I am directed by the Committee on Printing to report the following resolution; and I ask for its present consideration:

*Resolved*, That the Secretary of the Senate be, and he is hereby, directed to obtain 100 copies of each printed decision of the Supreme Court of the United States, and to pay for the same from the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to the Senator to amend the resolution by inserting "and any dissenting opinions filed with the same." I suppose the purpose was to include dissenting opinions.

Mr. MANDERSON. That was certainly the purpose of the committee. I thought the language used would cover that; but still I have no objection to inserting those words, so that there may be no uncertainty.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The amendment proposed by the Senator from Massachusetts will be read.

The CHIEF CLERK. In line 4, after the word "States," insert the words "and any dissenting opinions filed with the same;" so as to read:

*Resolved*, That the Secretary of the Senate be, and he is hereby, directed to obtain 100 copies of each printed decision of the Supreme Court of the United States, and any dissenting opinions filed with the same, and to pay for the same from the contingent fund of the Senate.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

#### LIST OF TREASURY DEPARTMENT EMPLOYEES.

Mr. MANDERSON. There was referred to the Committee on Printing a letter of the Secretary of the Treasury, transmitting a list of all persons employed in his Department during the year ending December 31, 1884. I am directed by the Committee on Printing to report in favor of the printing of the report, and I ask that it be so ordered. It requires no resolution. A simple order of the Senate that the report be printed will be sufficient.

The PRESIDING OFFICER. Is there objection to printing the report?

Mr. COCKRELL. Let us hear what the report is. I have been trying to catch what the Senator from Nebraska said, and could not hear a word.

The PRESIDING OFFICER. The report will be read, or the Senator from Nebraska will state the substance of it.

Mr. MANDERSON. I can state to the Senator from Missouri what it is. The statutes require that the Secretary of the Treasury shall report to Congress a list of the employees of the Treasury Department. In compliance with that law the Secretary of the Treasury has transmitted the list for 1884, and for the first time the list is classified as required by the civil-service act. The Committee on Printing report favorably as to the printing of that report.

The PRESIDING OFFICER. The order for printing the report will be made if there be no objection.

#### REPORT ON LABOR AND CAPITAL.

Mr. HAWLEY. A concurrent resolution was referred yesterday to the Committee on Printing which originated in the Senate, went to the House, and was there amended. The committee instructs me to report in favor of concurring in the amendments of the House, and I ask for immediate action upon the matter.

The PRESIDING OFFICER. The amendments of the House of Representatives will be read.

The Chief Clerk read as follows:

#### IN THE HOUSE OF REPRESENTATIVES, February 19, 1885.

*Resolved*, That the House concur in the foregoing resolution of the Senate with the following amendments:

In line 6 of the resolution strike out the word "eight" and insert the word "six."

In line 7 of the resolution strike out the word "sixteen" and insert the word "thirteen."

In line 8 of the resolution strike out the words "and one" and insert the word "five;" and strike out the word "copies" in same line.

In line 9 of the resolution strike out the words "Senate Committee on Education and Labor" and insert "Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor."

The PRESIDING OFFICER. The question is on concurring in the amendments.

Mr. COCKRELL. Let the resolution be read as it was amended in the House, and as it will be if it is passed as recommended by the committee.

The PRESIDING OFFICER. The resolution as amended by the other House and reported by the committee will be read.

The Chief Clerk began to read the resolution.

Mr. HAWLEY. I can relieve the Secretary from embarrassment in reading the resolution. The blue pencil interlineations are incorrectly made, and in engrossing the resolution the clerks will be governed by the written description of the amendments. The resolution as amended gives 6,000 copies to the Senate, 13,000 to the House, 5,000 to the Bureau of Labor Statistics, and 1,000 to the Senate Committee on Education and Labor, who desire to distribute some numbers to the numerous witnesses who were called before that committee. The aggregate is the same as that ordered by the Senate originally, but a little differently distributed.

The PRESIDING OFFICER. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.



## PUBLIC-LAND LAWS.

Mr. DOLPH. I move that the Senate request the House of Representatives to return to the Senate the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture. I will state that I do this for the purpose of moving, when the bill is returned, a conference on the disagreeing votes of the two Houses. It seems likely that under the rules of the House it will not be possible to secure in that body a consideration of the bill, and, therefore, if the bill is to become a law at this session it will be necessary that this course should be taken.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to move at this time that the House of Representatives be requested to return the bill the title of which he has named, being the bill for the repeal of the pre-emption law. Is there objection to the motion being received?

Mr. COCKRELL. Let the title of the bill be read.

Mr. DOLPH. It is the bill to repeal the pre-emption law, the timber-culture act, and the desert-land act, and for other purposes, which passed the Senate a few days since.

The PRESIDENT *pro tempore*. Is there objection to the motion being entertained?

Mr. SHERMAN. Does the Senator desire simply to move that the Senate recede from its amendments?

Mr. DOLPH. I simply move at this time that the Senate ask that the bill be returned to the Senate from the House of Representatives, and then I propose when the bill is returned to move for a committee of conference.

Mr. SHERMAN. That is an unusual proceeding, I think. I shall have to object for the moment until I can look into the matter.

The PRESIDENT *pro tempore*. Objection is made.

Mr. DOLPH. I ask if the motion is not in order.

The PRESIDENT *pro tempore*. It is not in order at this time. It would be in order under the call for resolutions, subject on objection to be carried over one day.

## BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2652) for the protection of seamen; which was read the first time by its title.

Mr. HOAR. I desire to have the bill referred to the Committee on Commerce. A bill has come up from the House of Representatives which I am informed undertakes to amend the Dingley act, so called, passed at the last session. The Dingley act prohibited contracts with landlords and with other persons who surround sailors when they are in port by which the sailor should pledge his wages to that class of persons. I understand the bill which has just come up and been referred to the Committee on Commerce repeals that provision, and tends, in the opinion of some humane friends of the sailor, to make the sailor a prey, as he has been in times passed.

The bill which I introduce is a transcript, with the proper changes, of the law of the State of Massachusetts prohibiting all such pledges in advance of the sailor's wages and allowing him only to pledge them for the necessary support of his wife and children during his absence. I hope the Committee on Commerce will consider this bill and report it as a substitute for the House bill, and in that way insure its passage.

The bill was read the second time by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 2653) for the relief of S. S. Webb & Co. for the use of William G. Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2654) granting a pension to Charles F. Hildreth; which was read twice by its title, and referred to the Committee on Pensions.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE. Yesterday I submitted a proposed amendment to the river and harbor bill to continue the dredging of the ship-channel in Portland Harbor, Portland, Me. The print has it "Rockland Harbor." I ask leave to change "Rockland" to "Portland," and to reintroduce it.

The PRESIDENT *pro tempore*. The Chair will send for the original paper. If it is a misprint it does not need any order. The print will be corrected.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH and Mr. MILLER of California submitted amendments intended to be proposed by them severally to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER and Mr. GEORGE submitted amendments intended to be proposed by them severally to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

## DISTRICT TAXES AND EXPENDITURES.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution which was submitted yesterday by the Senator from Alabama [Mr. MORGAN] and which went over under objection. It will be read.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the commissioners of the District of Columbia be directed to immediately inform the Senate of the causes that have prevented them from complying with the resolutions of the Senate adopted on the 24th of June, 1884, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department or water fund for each year from 1875 to 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. MORGAN. I ask the chairman of the Committee on the District of Columbia whether he has been informed of any return made by the commissioners?

Mr. INGALLS. I have no objection to the adoption of the resolution.

The resolution was agreed to.

## PACIFIC RAILROAD COMPANIES' TELEGRAPH LINES.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to inform the Senate whether the Union Pacific Railroad Company and the other railroad companies affected by the act approved July 1, 1862, granting subsidies in bonds and lands, have constructed and are maintaining and operating their own lines of telegraph, and whether telegraphic messages are accepted and transmitted for all persons and corporations without discrimination as to price, and other conditions, as provided in section 15 of the act above referred to.

## GEORGE E. SPENCER.

Mr. HOAR. I desire to call up a resolution in regard to the payment to George E. Spencer, late Senator from Alabama.

Mr. COCKRELL. Regular order.

Mr. HOAR. This is the regular order.

The PRESIDENT *pro tempore*. It will be the regular order after the call for resolutions is exhausted. Are there further resolutions?

Mr. MITCHELL. I have a resolution to submit.

The PRESIDENT *pro tempore*. The Chair will receive it.

## STEAMER WILLIAM H. SEWARD.

Mr. MITCHELL. I offer the following resolution:

*Resolved by the Senate of the United States*, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate any reports or opinions in his Department relating to any legal services performed, and by whom, in defending suits against the United States Government steamer William H. Seward.

That information is desirable at an early day, and I should be glad to have the resolution adopted at this time.

Mr. WILSON. I suggest to the Senator that he change the word "requested" to "directed." That is the proper form.

Mr. MITCHELL. I accept the suggestion.

The PRESIDENT *pro tempore*. The resolution will be modified accordingly.

The resolution was considered by unanimous consent, and agreed to.

## GEORGE E. SPENCER.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed.

Mr. HOAR. I call for the resolution which I just now named.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate now proceed to the consideration of Order of Business 1236, which is the regular order if the Senator has the floor to make the motion, resolutions being exhausted.

Mr. COCKRELL. But that is setting aside the Calendar.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Chair overrules the point of order, if the Senator from Missouri makes one, because Rule VIII as modified provides that the Senate shall go to the Calendar "unless the Senate shall at any time otherwise order." The Senator from Massachusetts proposes, according to the constant practice of the Senate, that the Senate shall "otherwise order" by taking up the resolution he has named.

Mr. HOAR. I rise to a parliamentary inquiry. This is a resolution which was reported the other day and went over under the rules to the next day. Now, when "concurrent or other resolutions" are in order, is it not in order to ask to have a resolution of that character laid before the Senate?

The PRESIDENT *pro tempore*. The Chair does not think that applies to a resolution reported from a committee, but a resolution reported from a committee is like any other resolution or bill of the Senate, and is placed on the Calendar and requires a motion to proceed to its consideration, unless when it is reached in regular order.

Mr. HOAR. This is a Senate resolution.

The PRESIDENT *pro tempore*. It is a Senate resolution, but it is the report of a committee, the Chair thinks, and has so held constantly.

Mr. HOAR. If I may pursue my parliamentary inquiry, I do not wish to displace the ordinary business of the Senate which the Senate

is expected to conduct at this time by a motion to lay aside the Calendar. I rose supposing I was entitled to call up the resolution when resolutions were reached, as of right, it having gone over one day.

The PRESIDENT *pro tempore*. If it had been a resolution offered by the Senator and objected to, it would have been laid before the Senate the next morning.

Mr. HOAR. Then I ask unanimous consent that I may offer the resolution, in the terms of that, which I will have copied for the purpose, and call it up to-morrow or the next day when resolutions are reached.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave to offer a resolution which will be read.

The Chief Clerk read as follows:

*Resolved*, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of \$7,132, being the amount actually and necessarily expended by him in maintaining his title to his seat.

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDENT *pro tempore*. Objection is made and it goes over. It will be laid before the Senate to-morrow morning on the call of resolutions.

Mr. LAPHAM. I give notice that at the time of the consideration of that I shall also ask for the consideration of Order of Business 787, being the resolution to pay the expenses of Judge Underwood. The subjects ought to be disposed of at the same time.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts to withdraw his motion to proceed with the consideration of the resolution on the Calendar.

Mr. HOAR. Yes, sir.

#### PROCEEDINGS OF TO-MORROW.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. HOAR. I desire, with the leave of the Senate and of the Chair, before the Senate proceeds to its morning business, that there shall be an understanding about the proceedings to-morrow, whether the Senate expect to proceed with ordinary legislative business after the ceremonial exercises in the other Chamber are over. For one I hope the Senate will proceed with its ordinary business after we return from the Representatives' Chamber, as we have but ten or twelve more working days, and the time is precious to the country beyond computation.

Mr. SHERMAN. I ask that the order adopted in regard to those ceremonies be read. I think that fixes the matter.

Mr. ALLISON. That order is a very long one. I think we all understand it.

Mr. SHERMAN. I do not ask for the whole programme, but there was an order adopted—I have forgotten myself what it was, and I should like to hear it. My impression is that it provides for no session to-morrow.

Mr. HOAR. I should like to ask the Senator from Ohio at what time he thinks it likely the exercises in the House of Representatives will be completed.

Mr. SHERMAN. I should say not later than 5 o'clock; probably between 4 and 5.

Mr. ALLISON. Let this matter go over until later in the day. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is Senate bill No. 1886.

#### DES MOINES RIVER LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. I ask that that amendment may be now read, and I call the attention of the Senate to it.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 3. Before the commencement of any action or actions by the Attorney-General, in pursuance of this act, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds (to be approved by the court, or a judge thereof, as to the form and penalty of the same) conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff shall fail to recover therein.

Mr. LAPHAM. I ask to amend that by adding "a bond with surety or sureties."

The PRESIDENT *pro tempore*. Will the Senator repeat his proposed amendment?

Mr. LAPHAM. My amendment is to make it read, "a bond or bonds, with surety or sureties (to be approved by the court, or a judge thereof, as to the form and penalty of the same)."

The PRESIDENT *pro tempore*. The modification suggested by the Senator from New York will be read.

The CHIEF CLERK. In line 5, after the word "bonds," it is proposed to insert "with surety or sureties."

The PRESIDENT *pro tempore*. The amendment will be so modified. Mr. LAPHAM. It will be seen that this is the usual form of a bond by way of a security for costs. It is not an uncommon proceeding by any manner of means; it is a very usual proceeding, especially where insolvent parties or parties against whom costs can not be recovered are authorized to prosecute. I do not want this bill converted into a proceeding authorizing the Government to sue *in forma pauperis*, as is the practice in some cases. I want somebody to be responsible for the expenses of the litigation that this bill proposes, in case the prosecution fails to recover.

I have not heard a word from any Senator thus far in opposition to this amendment. I doubt the ingenuity of any Senator to state a reason against this amendment which is deserving of serious consideration. The design and purport of the amendment are so obvious, it seems to me, that it should receive the sanction even of the advocates of this bill, unless they want to prosecute and persecute the purchasers whom I represent with numberless actions without any hope of compensation to them for the expenses to which they are to be subjected. On the contrary, in answer to this proposition that we shall have security for costs, the Senators from Iowa who are advocating this bill renew their proposition that this is a bill like the bill we considered yesterday for the forfeiture of a railroad grant. While I was discussing the amendment offered by the honorable Senator from Alabama to that bill, and urging that there should be a preliminary judicial investigation before the lands were opened to settlement, the senior Senator from Iowa—senior in service I mean—interjected the expression "the Des Moines River bill;" thus showing that he concurs with his colleague that the Des Moines River bill is a bill to forfeit a legislative grant by the Government, as it in fact is. Now, there is a wide difference between these propositions; and the artillery which the Senators from Iowa aim at me in opposition to this bill is like the muskets described by Trumbull:

Though well aimed at duck or plover,  
Bear wide, and kick their owners over.

In the proposition submitted by the Senator from Alabama to the Oregon bill some days since and to the Texas Pacific bill yesterday, his object was to provide that the United States should settle all questions of title before it offered the lands to the public. What was the state of things in Iowa? Iowa had a body of public lands about which there was no dispute. The Government gave it to Iowa. There was a defective description of the lands, which the officers decided in the first instance went into the Territory of Minnesota even, which they afterward held only went to the northern boundary of Iowa, and they refused to certify lands to the State of Iowa north of the boundary line of that State. They refused, in fact, as the record shows, to certify any more lands to the State of Iowa unless that State should relinquish all claim to lands in Minnesota. The State refused to do that. That stopped the certification of lands, and that arrested the river improvement. Iowa asked that Congress should make a confirmatory grant of the lands which had thus been certified up to that time, and the resolution of the 2d of March, 1861, was for the express purpose of validating all the titles which had theretofore been conveyed to the State and by the State to the river company and by the river company to purchasers, in whose behalf I appear.

This was all done in the interest of the State of Iowa, for the benefit of the State of Iowa. The State of Iowa obtained over three-quarters of a million of acres of public land from the United States. Iowa spent three hundred and sixty-odd thousand dollars in the attempt to improve the navigation of the river, and there the work was arrested for the reason I have stated, because she would not relinquish her claim to lands in Minnesota. Then it was changed to a railroad along the banks of the river, and that railroad has been built out of the proceeds of public lands. They spent the \$360,000 for improvements out of moneys that were paid by those who purchased the lands, as those I represent purchased the lands from the State.

Now, sir, I submit with great confidence to the Senate the proposition, who should pay these unfortunate settlers, if anybody should pay them? It is the State of Iowa who has had this large grant of public lands from the Government. The attempt by this bill to recover them out of honest purchasers whose titles have been confirmed is an attempt which I trust will not succeed. The law which enables them to make the attempt I trust will not be passed without annexing this condition, the condition that security for costs shall be given before any suit is instituted.

The difference between this bill and the amendment of the Senator from Alabama is so obvious that no one can mistake it. As was said on one occasion by a caricaturist, the amendment of the Senator from Alabama proposes to settle all these questions previous before the war; this bill proposes to settle all these questions previous after the war. There is a hiatus between them as wide as the globe; there is no similarity in the two questions; and unless something can be said which commends itself to the judgment of the Senate against the amendment now pending that we shall have this security, I trust the Senate will vote upon this bill the amendment which I have offered.

Mr. WILSON. Mr. President, this bill has occupied the attention of the Senate so long that I have no doubt all Senators are weary of it, as I am myself, and I must say that it is with a difficulty which I can not



overcome that I endeavored to discover the pertinency of the remarks of the Senator from New York to the amendment which he has proposed.

The bill proposes that a suit shall be instituted by the Attorney-General in the name of the United States for the assertion of the title of the Government to the lands involved. That suit will be in the name of the Government, and the parties for whom the Senator from New York says he appears here will have the same opportunity to co-operate with the Government as will these so-called settlers on the Des Moines lands. The second provision of the bill is:

And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

That is, they may co-operate; and it does seem to me that it would be unseemly to provide by law that in an action of this kind by the Government in an effort to assert its title to these lands private parties should be required to come in and give bond for security for costs, and therefore I hope the amendment will be voted down.

Mr. LAPHAM. Mr. President, there is an obvious answer to that suggestion. If the settler and the purchaser unite with the Government in a suit to be commenced under this bill, I should like to know who will be made defendant? It is an absurdity on the face of it. Who will be prosecuted? Sir, such is not the design of this bill. The design of this bill is to have the Government unite with these squatters and sue the purchasers, or else there is no design in it. There can be no action commenced without making the claimants to this title under the purchase the defendants in the action.

I am amazed that the advocates of this bill are driven to such subterfuges as this. Who is to be prosecuted, who is to be made defendant, I repeat, if the claimant of the title unites with the Government, and the settler unites with the Government? How long would such a bill stand in a court on a demurrer? How long would a bill stand in court on demurrer if filed by the United States and one of these settlers who have no community of interest? It is either the land of the Government or the land of the settler or of the purchaser under the river grant. There is no joint interest in it; and a demurrer upon the ground of misjoinder of parties would inevitably defeat any action which can be brought under this bill, as every lawyer knows. It is impossible that we can subvert the principles of law by this bill.

Now, then, the purchasers will be prosecuted, if anybody, under this act; and this amendment simply provides that they shall have the ordinary security for costs for two reasons: first, that the settlers are irresponsible, and secondly, that the Government can not be made liable. If we could recover costs against the United States, I would not press this amendment; if the United States was liable for costs, I would not press this amendment; but it is because we shall be compelled to litigate this question at our own expense without any remedy for costs that I have offered the amendment which is now pending.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment of the Senator from New York.

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

The yeas and nays were ordered.

Mr. DAWES. I should like to inquire of the Senator from New York whether, if the proceedings are to be in the name of the United States, he desires to have a bond filed by the United States?

Mr. LAPHAM. They will be in the name of the United States and the settlers.

Mr. DAWES. Will the United States and the settlers together be sufficient to pay the costs?

Mr. LAPHAM. The United States is not bound; there is the difficulty; the United States is not liable in an action for costs. There is the trouble.

Mr. DAWES. I do not see why they would not be, if judgment were rendered against them. I understand that while the United States can not be called against its will into court, if the United States does of its own accord go into court it has to run the chances of any party. I may be mistaken.

Mr. LAPHAM. The honorable Senator is entirely mistaken. There can be no judgment for costs against the Government.

Mr. DAWES. Judgment is rendered against the Government in court frequently. I never heard before that it was a judgment without costs; but I may be mistaken.

Mr. LAPHAM. You are. In the Court of Claims by a special provision costs may be recovered.

Mr. DAWES. Does the Senator say that in suits against a collector or in any suit the United States brings upon a bond, for instance, and a judgment gets unfortunately rendered against the United States—that is to say, where the balance was on the other side, as it is sometimes—does he mean to say that judgment is rendered for the amount without costs?

Mr. LAPHAM. A party can not have costs against the Government. The honorable Senator will find no case of that kind.

Mr. DAWES. The Senator is more familiar with these proceedings than I am, and I take his construction on that point; but I confess it is a humiliation to state before the Senate that that is news to me.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. VEST. I am requested by the Senator from Louisiana [Mr. JONAS] to announce that he is confined to his house by illness. I have not paired him on this bill.

Mr. CALL. My colleague [Mr. JONES, of Florida] is absent on account of illness, and is not paired.

Mr. BROWN. I desire to state that my colleague [Mr. COLQUITT] is confined by sickness at his room to-day. I do not know how he would vote, and therefore I have not paired him.

The result was announced—yeas 23, nays 29; as follows:

#### YEAS—23.

Bayard,	Gibson,	Lapham,	Mitchell,
Blair,	Gorman,	McMillan,	Pike,
Brown,	Groome,	McPherson,	Pugh,
Chace,	Harris,	Mahone,	Sabin,
Fair,	Jackson,	Maxey,	Sherman,
Garland,	Jones of Nevada,	Miller of N. Y.,	

#### NAYS—29.

Allison,	Dawes,	Manderson,	Slater,
Beck,	Frye,	Morrill,	Van Wyck,
Bowen,	George,	Palmer,	Vest,
Butler,	Hale,	Platt,	Williams,
Call,	Hampton,	Plumb,	Wilson,
Cameron of Wis.,	Hawley,	Ransom,	
Cockrell,	Hill,	Saulsbury,	
Coke,	Ingalls,	Sawyer,	

#### ABSENT—24.

Aldrich,	Dolph,	Jones of Florida,	Pendleton,
Camden,	Edmunds,	Kenna,	Riddleberger,
Cameron of Pa.,	Farley,	Lamar,	Vance,
Colquitt,	Harrison,	Logan,	Voorhees,
Conger,	Hoar,	Miller of Cal.,	Walker,
Cullom,	Jonas,	Morgan,	

So the amendment was rejected.

Mr. LAPHAM. I offer the following amendment, to add at the end of the second section:

In every action commenced under and in pursuance of the provisions of this act the defendant or defendants if successful shall have judgment for costs against the United States.

It will be seen this differs from the other amendment simply in dispensing with security for costs and making the Government liable for the costs. I ask for the yeas and nays on this.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. VANCE (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote.

The result was announced—yeas 16, nays 31; as follows:

#### YEAS—16.

Bayard,	Dolph,	Lapham,	Manderson,
Blair,	Garland,	McMillan,	Miller of N. Y.,
Brown,	Gorman,	McPherson,	Mitchell,
Chace,	Groome,	Mahone,	Sherman,

#### NAYS—31.

Allison,	Gibson,	Lamar,	Saulsbury,
Beck,	Hale,	Maxey,	Sawyer,
Bowen,	Hampton,	Morrill,	Slater,
Butler,	Harris,	Palmer,	Van Wyck,
Call,	Hawley,	Platt,	Vest,
Cameron of Wis.,	Hill,	Plumb,	Williams,
Coke,	Ingalls,	Pugh,	Wilson,
Fair,	Jackson,	Ransom,	
George,			

#### ABSENT—29.

Aldrich,	Dawes,	Jones of Nevada,	Sabin,
Bowen,	Edmunds,	Kenna,	Sewell,
Camden,	Farley,	Logan,	Vance,
Cameron of Pa.,	Frye,	Miller of Cal.,	Voorhees,
Cockrell,	Harrison,	Morgan,	Walker,
Colquitt,	Hoar,	Pendleton,	
Conger,	Jonas,	Pike,	
Cullom,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

Mr. LAPHAM. I offer the following amendment to come in at the end of section 2:

The provisions of this act shall not apply to such of the lands referred to in the joint resolution of March 2, 1861, as the Supreme Court of the United States has decided validated the titles of bona fide purchasers from the State of Iowa or its grantees prior to the passage of said joint resolution.

A few words, Mr. President. It will be seen that this amendment differs from the amendment, which was lost by one majority only, which I first offered, excepting all the lands which had been conveyed under the river grant to purchasers for value. I have drawn this amendment so as to limit it to those titles which the Supreme Court has decided were rendered valid by the resolution of the 2d of March, 1861, so as to prevent by this legislation a reopening of questions which have already been litigated between the settlers and these purchasers, or between other parties and these purchasers.

A large number of cases have been decided; some questions of law have been settled; and my object in this amendment is to prevent this bill from reopening those adjudications and again renewing the contro-

versities which ought to be regarded as having been settled by the decisions which were thus made. I have for that reason limited the exception to the class of cases in which the Supreme Court has decided that by the resolution of the 2d of March, 1861, the titles of the purchasers were rendered valid.

Who can object? If this bill is a bill to quiet titles, shall it be converted into a bill to reopen and disturb the titles already settled? Are Senators willing to vote such consequences as that? Are Senators willing to vote to reopen all the litigations which have been decided? On the contrary, will not Senators, lawyers, say that so far as the Supreme Court has determined these questions this litigation shall not reopen them.

It seems to me, Mr. President, that this proposition ought to receive the sanction of the Senate. I beg Senators to remember in whose behalf I am standing here, accused as I am of consuming time unnecessarily. I am standing here in behalf of a class of persons who more than twenty years ago paid their money to the State of Iowa, \$350,000, which the State of Iowa has had, and whose titles the Supreme Court has said are valid and binding and can not be disturbed. That is my position. I have been earnest in it, I have been persistent in it. I mean to be earnest and persistent in it to the end. I would defend the title of these purchasers here to the last extremity by every means known to the rules of parliamentary law and practice, as I would defend it if I were standing in a court of justice and they were being prosecuted. That is my duty. It is my pleasure, Mr. President, as well as my duty. If there is any position a Senator can occupy, if there is any position a lawyer can occupy, it is the position of defending titles which have been determined by the highest tribunals of the land to be valid; it is to defend those who in good faith have invested their money at the invitation of the Government of the United States, and whose titles have been ratified by the Congress of the United States and confirmed by the judgments of the Supreme Court.

This is my position; this is the secret of my zeal and earnestness in behalf of the measure, and this is why I press upon the attention of the Senate these amendments in the various forms in which I have offered them. First I offered an amendment providing that we should have security for costs. Then I offered an amendment providing that the Government should be liable to costs. First I offered an amendment that all the purchasers in the Des Moines River grant should be excepted. That was voted down by a bare majority. Now, I ask it, confining it only to those whose titles the Supreme Court has decided are valid under the resolution of the 2d of March, 1861. I submit to Senators that there is nothing unreasonable in this exception. It is not as broad as the exception which was framed by Senator McDonald, which I offered as the first of my amendments. It is narrowed to cases which have been adjudicated, which have been decided, which have been determined in favor of these purchasers. Now until this can be done the title of the bill is a misnomer. The bill to quiet the title of the Des Moines River lands is to become a law to reopen and again prosecute the controversies in regard to those lands which the Supreme Court has closed by its repeated decisions, which the courts of Iowa have closed by their repeated decisions, and this bill ought not to become a law without this exception is ingrafted upon it.

It would, as I said yesterday, instead of quieting titles, reopen the whole flood-gate of litigation in the State of Iowa, and perpetuate it we know not how long, and all the insecurity and turbulence and violence which have prevailed there for so many years would be renewed, and renewed in a form which, according to the refusal of the Senate thus far to ingraft an amendment by way of security, will forever deprive the owners of these lands of any compensation for the expenses of the litigation to which they are to be subjected.

Mr. President, I earnestly urge on the Senate the consideration of the amendment in the form in which I now offer it. I earnestly ask that the Senate will consider the propriety of this amendment and place it upon this bill, so as to prevent the retrial of questions which have been heretofore adjudicated.

#### ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The hour of 1 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being Order of Business No. 872. The title of the bill will be read:

The CHIEF CLERK. "A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico."

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar. This bill has been partly considered, and the Senator from Ohio [Mr. SHERMAN] is ready to make a brief speech upon the subject, and I trust we may be able to get through with it in a very short time.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of Order of Business 1074. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar."

Mr. HOAR. I ask unanimous consent to address a question to the Senator from Vermont and have his answer before the Senate votes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. HOAR. I desire to ask the Senator from Vermont what is his purpose. I was very desirous of taking up the railroad funding bill, which it has been expected by a very large number of the Senate would follow the question which was disposed of yesterday. Of course a silver debate, such as we have had a good many specimens of in the last few years, is of no importance to the country; but a silver vote stopping superfluous coinage would, in my judgment, be worth not only any possible inconvenience, but an extra session. I should be prepared, for one, to have both Houses assemble here on the 5th day of March to secure the stoppage of the silver coinage, although it would be at the expense, of course, of great personal inconvenience to all of us to have such a session, so that nothing would stand in the way of the accomplishment of that hope. But I desire to ask my honorable friend from Vermont how soon he believes he will get a vote on the bill if it is taken up?

Mr. MORRILL. Mr. President, have I liberty to respond to the Senator?

The PRESIDENT *pro tempore*. Only by unanimous consent.

Mr. HOAR. I yield, if I can, to the Senator to answer my question.

The PRESIDENT *pro tempore*. The Senator from Vermont will proceed, if there be no objection.

Mr. HOAR. I asked unanimous consent that I might address a question to the Senator from Vermont and have his reply.

The PRESIDENT *pro tempore*. The Chair has asked unanimous consent for the Senator from Vermont, and he has it.

Mr. MORRILL. Mr. President, I do not anticipate a prolonged discussion upon this subject. I understand that the opponents of the amendment proposed by the Finance Committee to the trade-dollar bill are more anxious for a vote upon it than they are for a discussion. I trust that we may be able to get through with it in a very short time.

Mr. HOAR. In an hour?

Mr. MORRILL. No, sir.

Mr. HALE. I ask unanimous consent to be permitted to make a statement.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. HALE. There are now two of the general appropriation bills before the Senate reported with amendments from the Committee on Appropriations, and it is desirable in view of the great appropriation bills which have not yet come from the other House, but which will be poured in upon us next week, that these two bills should be passed by the Senate to-day, for the likelihood is that to-morrow there will be no opportunity for doing business. I wish to give notice that if the Senate does not sustain the motion made by the Senator from Vermont I shall then seek to call up for consideration the agricultural appropriation bill, and upon that being finished the Post-Office appropriation bill in charge of the Senator from Kansas [Mr. PLUMB] will be called up with the leave of the Senate.

Mr. HILL. Mr. President—

The PRESIDENT *pro tempore*. Will the Senate grant consent to the Senator from Colorado being heard on this question? The Chair hears no objection.

Mr. HILL. I desire to say that the opinion expressed by the Senator from Vermont I think is entirely wrong. Before such an important measure as that which he proposes shall pass this body it will be necessary to lay material before it which will occupy at least several days. It is a measure of great importance which affects the volume of currency, and to seek to accomplish such an end by an amendment to the bill of the House seems to me to be very dangerous legislation, and I assure the Senate that it will require several days at least to get the proper information before the body in regard to it.

Mr. McPHERSON. Mr. President—

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. McPHERSON. I desire to call the attention of the Senate to the fact that the bill which the Senator from Vermont has asked to have considered now by the Senate contains a provision for the retirement of the trade-dollar or its payment in standard silver dollars, about which I suppose there is but little difference of opinion in the Senate. If other subjects involved in the bill will lead to a more lengthy discussion, I hope at least that the Senate will agree to consider and favorably consider that portion of it relating to the trade-dollar.

Mr. MITCHELL. I ask unanimous consent to be allowed to make a very brief statement.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Pennsylvania will proceed.

Mr. MITCHELL. I suppose most Senators know that Pennsylvania is, perhaps, more greatly interested in the primary question involved in this bill than any other State in the Union. The people of that State think a great wrong has been done to them because Congress has not provided for the redemption of the trade-dollar. Therefore, without regard to the importance of the question of coinage and the question



of currency involved in the amendment proposed by the Committee on Finance, I shall vote against that amendment and vote for the passage of the House bill for the redemption of the trade-dollar. I believe many other Senators will do the same; and I trust we shall be able to get a direct vote upon the bill itself as it came from the House. The House passed it to provide for the redemption of the trade-dollar. Then if the question is presented either by a bill from the House or by a bill reported from the Committee on Finance here, I shall be as ready as any Senator to dispose of the whole question. I do not, however, believe it is possible that that question can be disposed of during this session. Therefore I think it impracticable to involve the subject of the redemption of the trade-dollar with the consideration of the coinage question in general. I hope the bill will be taken up.

Mr. CAMERON, of Wisconsin. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont [Mr. MORRILL] that the Senate proceed to the consideration of the so-called trade-dollar bill.

Mr. CAMERON, of Wisconsin. Would a motion to proceed to the consideration of an appropriation bill now be in order?

The PRESIDENT *pro tempore*. The Chair thinks not until after the question is put on the pending motion. It would be merely piling up motions which are not subject to amendment.

Mr. CAMERON, of Wisconsin. I call the attention of the Chair to Rule IX, and ask that that rule be read.

The PRESIDENT *pro tempore*. Rule IX will be read, if there be no objection.

Mr. CAMERON, of Wisconsin. The first part of the rule, the first subdivision.

The Chief Clerk read as follows:

#### RULE IX.

##### ORDER OF BUSINESS.

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

Mr. HALE. I ask unanimous consent that the Senate proceed now to the consideration of the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair will state in reply to the inquiry which the Chair supposed was intended by the Senator from Wisconsin—

Mr. CAMERON, of Wisconsin. I think I have discovered that this rule applies to business during the morning hour.

The PRESIDENT *pro tempore*. The Chair thinks it applies to business all the time except when a special order is up; but Rule X as to special orders provides that they shall be laid before the Senate, and there is one now laid before the Senate. Then at the foot of the rule about special orders it is provided:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The Chair is under the impression that if the pending measure, the Galveston Harbor bill, were not a special order, the operation of Rule IX would be complete and effective, and that a motion to proceed to the consideration of an appropriation bill would stand next in order to a motion to adjourn or to proceed to the consideration of executive business, and must be put in the order of its precedence, no matter when made, as a preceding motion; but the Senate now having before it a special order, the Chair thinks that the simple motion is to proceed to the consideration of other business, and that the Senator from Vermont has made.

The Chair will now ask the unanimous consent which the Senator from Maine proposes, that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

Mr. MORRILL. I shall object, but I will give way by an informal postponement if the bill is taken up.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont that the Senate proceed to the consideration of the trade-dollar bill, so called.

Mr. MORRILL called for the yeas and nays; and they were ordered.

Mr. BECK. I understand the Senator from Vermont, after this bill is taken up, is willing to allow the appropriation bill to be considered.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I so said.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. VEST. I was about to announce the pair of the Senator from Louisiana [Mr. JONAS] with the Senator from New Hampshire [Mr. PIKE] on authority from the Senator from Wisconsin [Mr. CAMERON], presuming that the Senator from New Hampshire would vote "yea," but I see the Senator from New Hampshire is about to vote.

Mr. CAMERON, of Wisconsin. I will pair with the Senator from Louisiana.

Mr. VEST. The Senator from Louisiana is paired with the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin (after having voted in the negative). I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. VEST. The Senator from Louisiana [Mr. JONAS], if present, would vote "nay."

Mr. PIKE. I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea."

Mr. CAMERON, of Wisconsin. I understand my pair would vote "nay." I also vote "nay."

The result was announced—yeas 27; nays 22; as follows:

#### YEAS—27.

Aldrich,	Frye,	Lapham,	Palmer,
Bayard,	Gorman,	McPherson,	Platt,
Beck,	Groome,	Mahone,	Saulsbury,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Butler,	Hampton,	Mitchell,	Sherman,
Chace,	Hawley,	Morgan,	Slater.
Dawes,	Hoar,	Morrill,	

#### NAYS—22.

Call,	George,	Maxey,	Van Wyck,
Cameron of Wis.,	Gibson,	Miller of Cal.,	Vest,
Cockrell,	Harris,	Pendleton,	Williams,
Coke,	Hill,	Plumb,	Wilson.
Edmunds,	Ingalls,	Pugh,	
Garland,	Jackson,	Sawyer,	

#### ABSENT—27.

Allison,	Cullom,	Jones of Nevada,	Ransom,
Bowen,	Dolph,	Kenna,	Riddleberger,
Brown,	Fair,	Lamar,	Sabin,
Camden,	Farley,	Logan,	Vance,
Cameron of Pa.,	Harrison,	McMillan,	Voorhees,
Colquitt,	Jonas,	Manderson,	Walker.
Conger,	Jones of Florida,	Pike,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment of the Committee on Finance.

Mr. MORRILL. I now consent, as I indicated I would, that the Senator from Maine [Mr. HALE] shall bring up the appropriation bill he mentioned.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that this bill be informally laid aside and that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. I was about to make a motion that the Senate proceed to the consideration of the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the agricultural appropriation bill.

Mr. PLATT. I rise to a parliamentary inquiry. If this motion shall now prevail, will the effect of it be to displace and throw back on the Calendar the bill which has just been taken up?

The PRESIDENT *pro tempore*. The effect of it will be to leave the trade-dollar bill on the Calendar subject to a motion to take it up again.

Mr. PLATT. Then I hope that the Senator from Maine—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. PLATT. I ask unanimous consent to say that I hope—

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent to be heard on the pending question. Is there objection? The Chair hears none.

Mr. PLATT. I hope the Senator from Maine will not press his motion at the present time. I have no doubt that he can get unanimous consent after a little while.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

MARIA G. UNDERWOOD.

Mr. LAPHAM. I ask permission to offer a resolution to lie over until to-morrow.

The PRESIDENT *pro tempore*. Is there objection to the resolution being received at this time? The Chair hears none. It will be read. The Secretary read as follows:

*Resolved*, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of \$5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. ALLISON. I object. That resolution is not in order at this time.

The PRESIDENT *pro tempore*. The Senator from New York received unanimous consent to present it. The Chair asked for unanimous consent that he have leave to offer the resolution.

Mr. ALLISON. I did not hear the Chair state that.

The PRESIDENT *pro tempore*. The Chair so stated distinctly, and the Chair heard no objection. The resolution is now objected to by the mover of it, and goes over until to-morrow.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The agricultural appropriation bill is the business before the Senate.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to the House of Representatives the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to correct an error of engrossment of the House amendments.

The message also announced that the House 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 (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran;

A bill (S. 1031) for the relief of W. C. Marsh;

A bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

#### GEORGE E. SPENCER AND MARIA G. UNDERWOOD.

Mr. HOAR. I ask unanimous consent that the resolution for payment to George E. Spencer of a sum of money for expenses incurred by him in defending his title to a seat, and the resolution just introduced by the Senator from New York [Mr. LAPHAM] in regard to Maria G. Underwood, be referred to the Committee on the Contingent Expenses of the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator include in his request both resolutions?

Mr. HOAR. Yes, sir; both.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the resolution introduced by himself this morning, and one introduced on a former day by the Senator from New York, be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection?

Mr. HOAR. There are two resolutions on each of these subjects. I should like to have them all go to the committee.

The PRESIDING OFFICER. The two resolutions upon each subject will be included in the request—the two resolutions on the Calendar and the two introduced to-day and on the table. Is there objection?

Mr. INGALLS. I have no objection to the Spencer resolution going to the committee, but the Underwood resolution I propose shall lie over till to-morrow.

The PRESIDING OFFICER. There being objection as to the Underwood resolutions, is there objection to the others being referred?

Mr. MILLER, of New York. I object then to the others being referred.

The PRESIDING OFFICER. There is objection. The reading of the agricultural appropriation bill will proceed.

Mr. MILLER, of New York. I ask consent to withdraw my objection to the request of the Senator from Massachusetts to send certain resolutions to the Committee on Contingent Expenses. I am satisfied there ought not to be anything like retaliation in the legislation of this body, and I regret that I made the objection, although I felt somewhat aggrieved at the moment as to the other case which interested a citizen originally of New York. I withdraw my objection.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] renews his request. The Senator from Massachusetts asks unan-

imous consent that the resolutions referred to by him a moment since, the two in respect to Spencer, be referred to the Committee on Contingent Expenses. If there be no objection that order will be made. The Chair hears no objection.

#### PUBLIC BUILDINGS AT KEY WEST.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives; which was read:

*Resolved*, That the Clerk of the House be directed to request the Senate to return to the House the bill of the Senate (No. 229) "to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.," to correct an error of engrossment of House amendments.

The PRESIDING OFFICER. If there be no objection the order returning the bill to the House of Representatives will be entered. Hearing no objection, it is so ordered.

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that it be considered by clauses or sections for amendment.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the bill be read by paragraphs for amendment, and that the amendments reported by the Committee on Appropriations be considered in their order as the reading proceeds. If there be no objection, that order will be made. The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for the "office of Commissioner of Agriculture," in line 20, after the word "dollars," to insert:

One microscopist, \$1,800; one botanist, \$1,800; one assistant botanist, \$1,200.

The amendment was agreed to.

The next amendment was, in line 35, to increase the total amount of the appropriations for the total compensation of the Commissioner of Agriculture and the clerks and employes in his office, from \$65,480 to \$70,280.

The amendment was agreed to.

The next amendment was, in the heading in line 37, after the word "chemical," to strike out "bureau" and insert "division;" and in line 42, after "chemical," to insert "division;" so as to make the clause read:

#### CHEMICAL DIVISION.

For compensation of chief chemist, \$2,500; one assistant chemist, \$1,600; one assistant chemist, \$1,400; employment of additional assistance, when necessary, in the chemical division, \$6,000; in all, \$11,500.

Mr. MILLER, of New York. I desire to ask for the reason of the change, striking out "bureau" and inserting "division?" The Agricultural Department uses the word "bureau," and the statistics collected by it go to its bureau of statistics. A year ago we passed a law creating a Bureau of Animal Industry in the Agricultural Department. That, of course, remains as the title was made by law. It seems to me it would be much better to use the title "bureau," in referring to all the special divisions of any Department, rather than to use the word "division." It is more in accordance with the general practice in governmental affairs. I know that the Department itself desires to retain the title "bureau" rather than that of "division."

Mr. HALE. I think the Senator on my explanation will see that the committee are right in this change. The House of Representatives in passing this bill took up each of the little divisions and subdivisions and called it a bureau. For instance, on page 4, the whole force in the business of the Department under the head of "the microscopical bureau" is one man at \$1,800 a year, and they make that the "microscopical bureau."

Mr. MILLER, of New York. That would be undoubtedly wrong.

Mr. HALE. In the botanical branch there are two men, and they are made the "botanical bureau;" and so the seeds division is made a bureau, and so the agricultural statistics division, and so as to this chemical division where the whole number employed is only seven or eight men and \$11,000 is expended. The House made them all bureaus.

To the Committee on Appropriations of the Senate that proceeding smacked of absurdity, if I may use that word. A bureau is a great branch of the Government. The Pension Office, with its thousands of employes and the expenditure of tens of millions of money, is a bureau; the Land Office, with its great interests and expenditure and force is a bureau; the Patent Office, with hundreds of clerks ramifying all over the country into every branch of industry and human invention, is a bureau. So in the Treasury Department; the great subdivisions there, the Comptroller's Office, the Customs Office, the various Auditors' offices, the Treasurer's branch, &c., are bureaus; and in those bureaus are subdivisions which are simply called divisions. The Committee on Appropriations did not believe that it was fitting or proper to elevate the subdivisions of this Department into the scale of bureaus, and so has retained the old arrangement of divisions. A statute of last year created the Bureau of Animal Industry, fixed that in terms, and so the committee



did not seek to interfere with that and has left it, and has left all the rest as they have been heretofore, simply "divisions."

I think this will appeal to the Senator from New York himself. If he were casting the bill he would cast it in this way, I am confident.

Mr. MILLER, of New York. In the main I agree with the Senator from Maine as to what he has said; these small divisions should not be dignified by being made bureaus; but it occurred to me that the change of name might be proper as to the chemical division of the Department of Agriculture, though I am not well informed in regard to that division. In the Treasury Department the Bureau of Statistics is dignified by being called the Bureau of Statistics, and all their statistics are issued by that bureau under that name. In the Agricultural Department statistics are also issued as coming from its bureau of statistics. They use that title, whether legally or not, and it is so on all the publications I have received from the Agricultural Department. I have only to suggest that perhaps in one or two cases the title "bureau" might be retained, but not certainly in all the smaller divisions the Senator has indicated. I have no particular desire or care about it, but there is one bureau, that of animal industry, established by law.

Mr. HALE. That has not been interfered with.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment reported by the Committee on Appropriations to strike out the word "bureau" and insert "division," in line 37 and in line 42.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the heading in line 44, after "entomological," to strike out "bureau" and insert "division;" in line 47, after the word "entomological," to strike out "bureau" and insert "division;" and in line 57, after the word "entomological," to strike out "bureau" and insert "division;" so as to make the clause read:

Entomological division:

For compensation of entomologist, \$2,500; one assistant entomologist, \$1,400; assistants in the entomological division, when necessary, \$4,000; for investigating the history and habits of insects injurious to agriculture and horticulture, experiments in ascertaining the best means of destroying them, and for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, and for chemicals and traveling and other expenses on the practical work of the entomological division, \$20,000; in all, \$27,900.

Mr. MILLER, of New York. I have no objection to that amendment, but I want to move an amendment.

The PRESIDING OFFICER. The Chair will suggest to the Senator that the order is to act first on the amendments the Committee on Appropriations have reported.

Mr. MILLER, of New York. I supposed we were to offer amendments as the reading went on.

The PRESIDING OFFICER. The Chair understood the order to be to act first on the amendments reported by the committee, and then the bill will be open to amendment.

Mr. MILLER, of New York. I think it will be better to let me offer my amendment now. This is the only amendment I have.

Mr. HALE. I have no objection.

The PRESIDING OFFICER. Does the Senator from New York propose to amend the amendment of the committee?

Mr. MILLER, of New York. No; let that be acted on.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York will now propose his amendment, if there be no objection.

Mr. MILLER, of New York. I am instructed by the Committee on Agriculture and Forestry to move an amendment, in line 57, to strike out the word "twenty" and insert "thirty;" and also in the same line to strike out "twenty" and insert "thirty;" so as to read:

And other expenses on the practical work of entomological division, \$30,000; in all, \$37,900.

I ask the attention of the Senate for a few moments to this proposition. The action of the Committee on Agriculture and Forestry was had two or three weeks since on this question, and I gave the papers relating to it to the Senator from Kansas [Mr. PLUMB], a member of the Committee on Appropriations, supposing he would have charge of the agricultural appropriation bill; but it seems in the preparation of these bills it fell to the charge of the Senator from Maine, and I presume his attention was not fully called to this proposition and to the recommendation of the Committee on Agriculture.

The occasion for this increase arises in this wise: In line 51 there has been inserted in this bill a clause including:

And for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, and for chemicals and traveling and other expenses.

Those words have been put into this bill this year, of course resulting in an increase of the labor of the entomological division and largely increasing its expenditures if it is to do the work that has been assigned to it. The reason for this has come about in this wise: There has been organized in this country an ornithological union, composed of the leading naturalists of this country, extending over the entire country and also over Canada. There has also been organized an international ornithological union, and these unions of the different civilized countries are acting in connection. Some of them have been at work for several years. The unions of the various countries have applied to their respective governments asking that the governments take up this work to a certain extent—that is, the work of the collation of facts and the publication of facts.

These ornithological unions, which are studying the questions designated in these lines, are doing the work voluntarily for the advancement of science and the good of mankind in general. These associations are entirely voluntary, and all their work is done without compensation for love of the cause. They have collected and are collecting large amounts of information upon this subject, which is very valuable and is undoubtedly to be of great value to the agriculturists as a class. They do not feel able to undertake the work of classifying and collating the information which they have obtained, or of publishing it for the benefit of the world, and they have asked for the action indicated in the lines which I read.

During the past two years there have been scattered all over the United States more than a thousand gentlemen engaged in making these observations. Circulars were prepared and sent out to all the various stations by the Smithsonian Institution at the request of the Ornithological Union, of course the expense being paid by the Smithsonian Institution as under the law it had a right to do; but it is not able to go on with the proper publication of these results. A very large amount of information has been obtained. All the light-house keepers in the United States and in Canada have been instructed by the proper department to obtain the information desired; blanks have been furnished them, and they have made regular reports, and these reports have come in in very large numbers.

The Ornithological Union presented some weeks ago to Congress a memorial fully setting forth the work they were doing, and what they desired the Government to do in the premises. I will not detain the Senate by reading the whole of it, but will simply refer to a few passages in it in order to show that the work they are doing is not only of great scientific value to the country but that it has much of practical advantage to farmers. First, as to their means of obtaining information:

The stations from which returns have come, in addition to those in Spanish America, are scattered over the whole country, extending in the east from Sombrero Key, Florida, to Newfoundland, and in the west from Arizona and Southern California to British Columbia. They are most numerous in New England, the Atlantic district, the Mississippi Valley, and Nova Scotia.

They go on to say:

That material now in hand is of great value, and is so voluminous that the committee can not properly arrange, systematize, and publish it without Government aid. Its value does not consist wholly in its scientific interest, for it has direct bearings upon many of the problems with which the practical agriculturist is concerned.

On that point let me say that this investigation includes a thorough examination into the food and habits of all birds, and they have already discovered that some species of birds which have been supposed to be of injury to the horticulturist and farmer have been found to be their best friend, and instead of being destroyed they ought to be preserved. On the other hand, they have discovered that some birds which were supposed to be of advantage to agriculture are enemies of agriculture and ought to be exterminated. The operations of this union cover the migration of birds, their geographical distribution, and also includes the whole subject of economic ornithology.

The subcommittee on migration has undertaken to ascertain the whereabouts of all our birds during the winter season, and the times of leaving their winter homes; to determine if possible the number and extent of the chief avenues of migration in North America, and the average rate of speed at which the different species travel; to find out the dates of appearance and disappearance of each successive bird-wave for at least a thousand localities, both in spring and fall, for a period of years, together with the causes which influence the same, and to draw therefrom such generalizations and deductions as the material collected will permit.

The inquiry concerning the food of birds is one of much consequence, because it undertakes the solution of many of the problems which beset the practical farmer and sheds light upon many questions concerning which almost universal ignorance prevails.

Primarily, the food of all birds must consist either of animal matter or vegetable matter or both, and its consumption must be serviceable or prejudicial to the interests of mankind. On this basis, all birds may be classed under one of three heads:

I. Birds whose habits render them, on the whole, beneficial.

II. Birds whose habits render them, on the whole, injurious.

III. Birds whose habits, so far as known, make it doubtful whether, on the whole, they are beneficial or injurious.

And it is for the solution of this and other problems that this union has been formed and has been doing this voluntary work. I believe that there is no investigation now being made into natural history which will be of so great value to all our people and to the whole world as the investigations of these various unions of ornithologists who are now pursuing this subject.

In the investigation of economic ornithology still other questions present themselves. Among them may be mentioned:

At what season and for how long a period is the bird with us? How many broods does it rear each season?

Does it inhabit marshes, uplands, cultivated fields, or forests?

Does it take up its abode near the habitations of man, or does it inhabit districts remote from civilization?

What effect does the settlement of a region have upon its bird-life?

What birds, if left to themselves, are likely to become most abundant as the country grows older?

In pursuance of these researches it is evident that much good would result from friendly co-operation with the entomological and botanical divisions of the Department of Agriculture and with the United States Entomological Commission.

They continue:

The practical bearings of this investigation are not obscure. When the limitations of the several faunal areas have been ascertained with sufficient exactness and admit of graphic illustration by means of colored maps, it will be possible to predict, with considerable accuracy, the course which an injurious insect will pursue in extending its march from the point where its first devastations are committed, and our farmers may be forewarned, so that those living in districts likely to become infested can plant different crops and thus be saved large pecuniary loss; while those living just outside will derive increased revenue from the cultivation of the particular crop affected. The questions having to do with the distribution of species are referred to the subcommittee on that subject.

Further in regard to the practical value of this work the memorial sets forth:

It has already been shown (in the sections treating of economic ornithology) that the study of the distribution and food of birds has such direct bearings upon practical agriculture that its importance can hardly be overestimated. There can be no reasonable doubt that the farmers of the United States would profit to the extent of thousands of dollars per annum by availing themselves of the results of these inquiries.

In view of the facts herein briefly outlined your memorialists humbly beg to suggest the urgent need of the creation, as a branch of the Department of Agriculture, of an ornithological department or bureau for the collection and elaboration of data respecting the migration and geographical distribution of our birds and the investigation of all questions of an economic character relating to North American ornithology.

In the event of the immediate establishment of such a bureau by your honorable body, your memorialists pledge the same their hearty support and co-operation.

This is signed by the officers of this Ornithological Union. This matter was laid before the Department of Agriculture and brought to the attention of the Smithsonian Institution, and Professor Baird joined in recommending this action, and of course an appropriation is needed. The result has been that authority to undertake this investigation and the compilation of the statistics and the data which can be furnished and will be furnished by this union has been put into this bill, but there has been no increase of the appropriation for the expenditures of the entomological division. Ten thousand dollars was asked for as being the least sum that can properly do this work. When the bill passed the House and the chief of this division, Dr. Riley, discovered it he came to see me, and not finding me wrote to me a letter, portions of which I will read, and from which the Senate will see that it is necessary to increase this appropriation somewhat; otherwise the work can not be done at all:

I regret very much to see that in the bill appropriating for the expenses of this Department, as it passed the House on Saturday, a clause was interpolated in the paragraph making appropriations for the entomological bureau (lines 47-51) requiring certain work in economic ornithology, without making any additional appropriation to meet the additional work required.

By the advice of Commissioner Loring, I beg to call your attention to this fact in the hope that you will urge the Senate Appropriations Committee to so modify the bill by a Senate amendment as to do away with the disadvantages which in its present form it would bring about in my work.

The work of the entomological bureau has all been planned and the force organized on the basis of the present appropriation, and the diversion of any portion of this small appropriation to work hitherto not suggested would seriously affect and cripple the present work of the bureau. In other words, I should be obliged either to disrupt the present organization of the bureau and disappoint the farming community, or, continuing the work already planned, make merely a pretense of pursuing the ornithological work required.

I will say that I am fully in sympathy with the purposes of the Ornithological Union, and that I regret very much having found you out when I called on you.

Then he goes on to say that this item in the appropriation bill of \$20,000, and in all, for the entire division, \$27,900, is precisely the same appropriation that was made last year, and which of course was used in the work of that division, without any reference to this new work which is to be added to it, and it will be absolutely impossible for the division to do this work properly unless this small sum of \$10,000 be added to it. I trust that the Senate, in the interest of agriculture, in the interest of science, will grant this addition of \$10,000. The large amount of work already done by the union would be placed in the hands of the Department, and by proper clerks it can be classified and generalizations from it made and put in proper shape for publication, that all may have the benefit of the work.

Nearly all the other governments of the civilized world, so far as I know, have taken action on this matter, as I understand from the president and secretary of the American union. In Canada the government has done the same thing. I hold in my hand a circular issued by the department of marine at Ottawa, in which it calls on all the various stations of observation established all over that country to send their communications to the department of marine, by which they are to be taken in charge and collated; and it also gives notice that all their communications are to be post free—that is, franked. It seems to me that our Government ought to do this much for the public benefit.

If any Senator has any question or any suggestion to make I shall be happy to answer it.

Mr. HALE. I think we can get at this. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

Mr. MILLER, of New York. It is an increase of \$10,000 in line 57.

The CHIEF CLERK. In line 57, page 3, it is proposed to strike out the word "twenty," before "thousand," and insert "thirty," so as to read:

For drawings and for chemicals and traveling and other expenses on the practical work of the entomological division, \$30,000.

Mr. HALE. "In all, \$37,900?"

Mr. MILLER, of New York. Yes; that is included.

Mr. HALE. Let me inquire of the Senator from New York if this amendment is moved under the rules by a committee?

Mr. MILLER, of New York. The amendment is moved by proper authority from the Committee on Agriculture and Forestry.

Mr. HALE. I will not, if I can, make the point of order, because I sympathize with the Senator from New York in what he is seeking to accomplish.

Mr. MILLER, of New York. I have no doubt if it had not been on account of my mistake, supposing the Senator from Kansas would have charge of this particular bill, if I had presented the matter to the Senator from Maine and submitted it properly, it would have been put in the bill at once; but I sent it to another Senator, supposing he had charge of the bill, and therefore neglected properly to bring it to the attention of the Committee on Appropriations.

Mr. HALE. I do not make any point of order; but I wish to make a suggestion to the Senator from the letter of Dr. Riley. There has been certain work added to this division. It is a cognate work to what it has been doing before, but it extends its scope and no additional appropriation has been made for that purpose. I see in the letter of Dr. Riley, a part of which the Senator read, he says:

In view of the foregoing facts he would beg you either to get the general appropriation to the entomological bureau increased by either \$5,000 or \$10,000, or, what would be preferable, to add the new matter as a separate and independent clause.

And in a postscript he says:

I had a consultation with Mr. HATCH, chairman of the House Committee on Agriculture, last night, and he agreed to support an addition of \$5,000 to the appropriation, and I have little doubt but an explanation to Senator PLUMB will bring about the desired amendment.

I think if the Senate will put the increase at \$5,000 we shall have no trouble with the House and it will go through easily. I make that suggestion.

Mr. MILLER, of New York. I hope the Senator will not insist upon that in any way, because in my talk with Dr. Riley I found that even \$10,000 would be scarcely enough, and the suggestion that the addition be either \$10,000 or \$5,000 was made under an apprehension that Congress might not be very favorably disposed to scientific pursuits. I think therein he did us great injustice. My conversation with the president and secretary of the American Union of Ornithologists leads me to believe that the appropriation ought to be much more for the amount of work now on hand. I have seen some of the work; and it is very voluminous and very valuable, and I do not believe clerks can be set to work upon it to put it in proper shape ready for publication for less than \$10,000. If we appropriate \$5,000, a less number of clerks will be put to work, and it will simply delay the publication of the results, which I believe are very valuable to all of us, for another year, and certainly I think the Government of the United States can afford to give this pittance of \$10,000 in order that we may get at the results, and that whatever benefit may arise to agriculture or to science may not be delayed and postponed to a distant day. The Department of Agriculture is not a very great burden on the public Treasury, and I hope the Senate will simply consent that my amendment for \$10,000 shall be adopted as it stands. Then if there shall be any trouble with the House, that can be arranged.

Mr. HALE. I do not think the difference is enough to pay for making any more fuss about it, and if the Senator insists on his amendment I shall not oppose it.

Mr. MILLER, of New York. The Committee on Agriculture considered this whole matter, and it is the only change that the Committee on Agriculture suggest in the bill. In other respects they leave it as it is.

Mr. HALE. Let us have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 74, 75, 76, as follows:

Microscopical bureau: For compensation of microscopist, \$1,800.

The amendment was agreed to.

The next amendment was to strike out lines 77, 78, 79, and 80, as follows:

BOTANICAL BUREAU.

For compensation of one botanist, \$1,800; for one assistant botanist, \$1,200; in all, \$3,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 95.

Mr. PLUMB. I do not want to disturb the order of procedure, but inasmuch as the Senator from New York was indulged to propose an amendment prior to the adoption of the amendments of the committee



as a whole, I ask leave to move an amendment at line 94 at this time, if it will not disconcert the Senator having charge of the bill.

Mr. HALE. No, sir; I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the Senator from Kansas will state his amendment.

Mr. PLUMB. In line 94 I move to strike out "twenty" before "thousand" and insert "fifty," so as to make the clause read:

#### LABORATORY.

For chemicals and apparatus for the use of the chemists and microscopists, and for the necessary expenses in conducting experiments, including experiments in the manufacture of sugar from sorghum and other vegetable plants, \$50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PLUMB. The sum of money proposed by the amendment which I now offer was appropriated by the last agricultural appropriation bill. The design of the committee, and of the Senate in providing for that appropriation, was to enable the Commissioner of Agriculture to engage in certain experiments in regard to machinery necessary for the manufacture of sugar from sorghum. The whole of the appropriations are illy placed in the bill. In fact, the bill itself in every way is as badly arranged as any bill could possibly be in failing to bring together cognate subjects of inquiry. But following the arrangement which has been perpetuated ever since appropriations have been made separately for the Agricultural Department, under the head of "laboratory" is this item, which as I said before was increased to \$50,000 last year with the design of having these experiments made.

The experiments were especially calculated to be in a certain direction, in the direction of what is called diffusion as applicable to the extraction of the saccharine matter from cane. The ordinary process of crushing and of steaming in connection with it as sometimes applied has not been satisfactory.

I have before me a letter written by a gentleman in Louisiana addressed to Mr. Wiley, the chemist of the Department of Agriculture, under date of December 15, 1883, in which in discussing this question of the amount of juice extracted from the cane, and referring to the date of 1873, at which time certain experiments had been made among the cane-growers of Louisiana in the use of the diffusion apparatus, he says:

We were then still sharing the common belief of our planters, that they could and did, with their more powerful mills at least, extract from seventy to seventy-two pounds of juice out of every one hundred pounds of cane. We only hoped to increase this, by diffusion, to eighty-four or eighty-five pounds, so that by adopting the process our planters should gain about 20 per cent.

You may therefore judge how great must have been our surprise when, by the use of scales, by the measuring of the juice, and by the usual polariscopic tests, we ascertained beyond a doubt that only a very few mills in this country did extract more than fifty-five to fifty-eight pounds of juice; that instead of obtaining only 20 per cent. more juice by diffusion the yield was really increased from 40 to 50 per cent., and that this juice, in spite of the various defects in our primitive machinery, with its unavoidable irregularities and delays, had rather gained than lost in purity.

It is conceded now everywhere that the ordinary crushing machinery applied to the extraction of juice from cane, whether the Louisiana cane or the bastard cane known as sorghum, does not ordinarily result in the extraction of more than 50 to 55 per cent. of the juice. The total amount of juice is supposed to be 88 per cent. of the weight of the cane, and about 37 to 45 per cent. is the range of the amount obtained by the ordinary processes of extraction.

The question of the manufacture of sugar has recently excited more than usual attention and has resulted in the establishment of works in Illinois and at three different points in Kansas for the manufacture of sugar from sorghum. As the result of that, during the last year from 600,000 to 700,000 pounds of merchantable sugar were made in Kansas from the sorghum plant. I have here a sample of what is called "A sugar," made by the ordinary process, and which I should be glad to have every Senator who has any interest in this matter examine and taste for himself in order to see that the sugar made from sorghum, whatever it may have been heretofore, is as absolutely free from any anti-saccharine substance, from anything which to the taste characterizes it as different from the ordinary sugar, as can be imagined. It is as good in every respect and has taken its place alongside of the best article manufactured out of the Louisiana cane, and has met every expectation of both seller and consumer.

The result obtained in sugar has been supplemented by an equally acceptable result obtained in the manufacture of molasses. It is now made in large supply and of a quality which is nearly as uniform as that which comes from the refineries of the product of the Louisiana cane.

For the purpose of relieving the manufacturer from the great loss resulting from imperfect machinery, experiments have been adopted in the use of a new process called diffusion, and that is new only in this country, because in France and in Germany, where sugar is made almost wholly from beets, the diffusion process has been in use for many years and with great success. It is estimated in those countries that about 98 per cent. of the saccharine substance is taken from the beet.

About two years ago there was set up in a building adjoining the Agricultural Department in this city a small diffusion battery, which was experimented with considerably and I believe satisfactorily, so satisfactorily indeed that the Commissioner of Agriculture recommended, and

Congress yielded to the recommendation, an appropriation sufficient to erect larger batteries to be used elsewhere for the purpose of more completely testing the ability of this process to extract the juice from cane to an extent which would make the manufacture of sugar from sorghum profitable and which would put that industry upon its feet. By some misadventure the apparatus which was designed to be tried last year was not constructed in time to have the experiment made during the last season. However, it has recently been arranged to send that apparatus to Ottawa, in the State of Kansas, to be set up in connection with a manufactory of sugar already in operation there, and at which favorable results have been already obtained.

The interest in this subject is not, however, confined to Kansas; it is not confined to what is known as the sorghum belt; but the interest is also very great in Louisiana, where by reason of the diminished price at which beet-root sugars have been sold during the last year the industry of sugar-making has been almost prostrated. I think it is safe to say that that industry was carried on in Louisiana this year if not at a loss certainly without any profit, and if the existing condition of things shall continue it threatens the overthrow of the entire sugar-making industry of the United States. But even if there should be a revival and an increase of price sufficient to warrant the continuation of the manufacture under the old condition in Louisiana, there is the constant threat of a diminution of the tariff and also a constant threat of the foreign competition, which has been so disastrous this year, and at any time the operation of either one of these causes will be liable to overthrow the industry entirely.

Thus capital is exceedingly timid about even continuing in the manufacture, and certainly no prudent person would under such circumstances engage in it very largely.

In the State of Kansas, as I have already said, there are three manufactories of sorghum sugar. At each one of those establishments sugar has been manufactured for two consecutive years, and I think at one of them for three. So far as the quality is concerned the success has been very great. It has removed very largely, and I may say almost wholly, the objections which have heretofore obtained to this product on account of its being of a taste to which people were unused and which usually made it unacceptable to the consumer.

While this result has been reached, and during the time necessary to bring it about, various important problems connected with the manufacture of sugar from sorghum have been settled, and settled in the right way—that is to say, in the direction of increased economy in manufacture and improvement in the varieties of cane—and if it had not been for the great fall in prices this year the manufacture of this product in Kansas during the past season would have been attended with some profit. As it is, I was informed by the superintendent of one of the works that the sugar made this year cost just about the wholesale selling price. Whether that included the wear and tear of machinery, I am not certain.

Notwithstanding the fact that the industry was carried on this year without a profit, there has been found great ground for encouragement in the fact that the experiments made in connection with the manufacture, and stimulated by it, helped to a great extent by the skill and judgment of an agent of the Department, have demonstrated that the manufacturing season can be extended more than twice as long as was heretofore supposed possible; that by covering the cane with earth the process or change from ordinary saccharine to glucose in the cane is arrested, and so the manufacturing season can be extended from September until as late as the 1st of February. I do not say that this has been determined beyond any possible doubt, but it seems to have been determined beyond any reasonable doubt, and along with it some other questions incidental to it have also been settled. So these manufacturers during the period of three years in which they have been engaged in the business have settled certain very important problems which have heretofore remained unsettled, and have taken long strides in the direction of their ability to manufacture sugar from sorghum successfully, and thus have opened up to the people of the United States a greater possibility than they have ever heretofore had of their ability to manufacture all the sugar needed for their consumption.

This is not a subject of any minor importance if we have regard to the amount of sugar that is used by the people of the United States, and especially if we regard the amount which they import. The value of the sugar imported during the last three years has never been less than \$100,000,000 annually. It is therefore a subject of very great importance if we can approach it with any hope whatever that by any stimulus or by any process or by any discovery we may be able to so meet the emergency as to produce the supply, or even any considerable portion of the supply, which we are now obliged to obtain from outside.

The chief results which have been obtained during the last few years have been at the expense of private capital. The Government has done something. It has had intelligent chemists at work in the Department of Agriculture; it has made some experiments in the way of machinery. I do not in any wise belittle what has been obtained as the result of these efforts either under the present administration or that Department or under preceding administrations, nor have I any designs of comparing one with another, but I say that the chief valuable



results which have been obtained have been at the expense of private capital; that the Government has not given that aid to this industry heretofore which I think it ought to have had. When I speak of that I do not speak of it with reference to the possible profit which might have been derived to the manufacturer himself, but I am thinking about it with reference to the advantage to accrue to the entire people of the United States.

\* No one question of so great national importance could be presented to the people of the United States as that embracing within itself the possibility of the relief to the people of the expenditure of \$100,000,000 among foreign people for a product which is absolutely necessary and the supply of which they must keep up at all hazards and at all cost.

But the benefit to be derived is not only in the way of relief from the expenditure abroad of a large sum of money. The expenditure of this money at home will give profitable employment to labor. Much the larger portion of the expense attendant upon the production of sugar is the outlay for labor. As is shown by a very intelligent address delivered at a recent convention of the sorghum-makers of Kansas by Professor Swenson, this industry employs more labor, or as much labor certainly, in proportion to the gross product as any other.

The results are so divided that no considerable portion can go to large capital. The cane is produced, as experience shows, to the best advantage by small farmers, men who produce cane as they have heretofore produced corn, and men who in its production use their and family domestic labor, cultivating ten, fifteen, twenty, fifty, or a hundred acres of cane, the product of which they sell to the nearest manufacturer, and the capital employed in one factory will rarely exceed fifty to seventy-five thousand dollars.

The area within which sorghum cane can be raised with profit has not yet been determined; but it is safe to say that, if present results can in any wise be depended upon, it will extend from at least the southern line of Kansas to as far north as a line drawn east and west through the center of Nebraska and the State of Iowa. Undoubtedly Kansas and other States in the same latitude afford the best field for the profitable growth of sorghum; but the discovery that cane can be kept in proper condition some months after being cut, thus extending the season of manufacture, opens up possibilities for more northern latitudes.

I know it may be said that if this is such an inviting field private capital itself ought to explore it without Government help. This is true as a rule. But the Government has too great an interest in this subject to afford to take the chance that private capital may fail of success. The general interest is greater than the private or individual interest. And I unhesitatingly say that it is the part of the highest wisdom that the Government should, upon the threshold of this experiment and with a view to the great possible results to be derived, undertake a part at least of the expense of the introduction of new machinery and new methods which private capital will be slow to take hold of, especially in view of the fact that the industry now is in the depressed condition of which I have spoken, and the disposition of capital already engaged in it to let go rather than to continue, with the doubtful results which now seem likely to follow.

In moving to increase this sum from \$20,000 to \$50,000, it is, therefore, with a view of having the Government continue the experiments which it has already commenced in a small way, and to make them effective, besides entering upon others with the same object in various portions of the country so as to have the advantage of the co-operation of private skill and the advantage of different localities, in order that the experiment may be of the completest possible character. The experiments will be watched with interest, and if they show that success can be made reasonably certain then there will be ample enterprise and capital to enlarge and carry on the business.

With the present competition from abroad, stimulated by the bounty of the German Government, and with the defective machinery now used in this country, there is little hope for success. The germ of what is needed is probably found in the diffusion apparatus used for the manufacture of beet sugar, but it will have to be modified so as to be perfectly adapted for the extraction of juice from sorghum, and the expense of experiments for this purpose should be borne by the General Government.

Capital finds too many fruitful fields in this country on which to enter to warrant it in going where there is doubt and heretofore nothing but failure. The Government with small expenditure can demonstrate what is lacking and make secure what is now doubtful.

If, therefore, by putting into the hands of the Commissioner of Agriculture and his skilled assistants money sufficient to carry on the necessary experiments they will be able to point the way to the manufacturers of the United States, to those who are already engaged in the manufacture and those who are looking to this industry, we shall, I believe, have set in motion instrumentalities which will result in a very few years in relief from any further necessity of sending money abroad to buy this most necessary article, and one which is going into greater consumption every year.

I ask that the Chief Clerk may read a portion of the address of Professor Swenson which I have mentioned, and which sets out in a very intelligent and detailed manner not only the results heretofore obtained, but a very thorough exposition of what may be expected in the future if the proper encouragement is given.

The PRESIDING OFFICER. If there be no objection the Chief Clerk will read the paper referred to by the Senator from Kansas.

The Chief Clerk read as follows:

The past season's work has fully proven that a first-class sugar can be made from sorghum cane. The possibility of making as good an article of sugar from this source as from Southern cane or sugar-beets may be considered a settled fact.

There are, however, many chances for improvement. Among the most important I will mention the improvement of the quality of the cane by careful selection of seed and by cross-fertilization so as to originate new and better varieties. Already considerable progress has been made in this direction, and we have every reason to believe that in this way the contents of cane sugar may be greatly increased. Another great step in advance would be the lengthening of our working season. One of the greatest difficulties in this business is that we have to do nearly all our work in the short space of three months. This you know is overcome to a great extent by the beet-sugar manufacturers by placing their beets underground, in which way the cane-sugar remains unchanged for several months. Experiments made at Washington and Sterling this year show conclusively that the same is true of sorghum cane. At Sterling the experiment was made by Mr. Cowgill, and samples of Sink's Hybrid cane which he sent me December 6 contained 83.28 per cent. of juice, and the juice contained 15.25 per cent. cane sugar, 1.10 per cent. glucose, and 3.94 per cent. of other valuable solids. The large amount of juice present shows conclusively that the great richness of the juice was not due to the evaporation of water and the consequent concentration of juice. It shows that cane put down in this way not only keeps well but actually improves, for the amount of cane sugar, according to Mr. Cowgill, was considerably less when it was harvested. I consider this matter of immense importance, and I hope that a number will try the experiment next season in such a manner as to work up enough cane into sugar and sirup so that we can know just what to expect.

But the place where improvement is not only most needed, but where it is absolutely necessary to our future existence, is in the extraction of the sugar from the cane. Of 88 per cent. of juice contained in the cane, we obtained but 37 per cent. as an average for the season; five-eighths of the sugar and sirup remained in the bagasse. This is in strange contrast with the yield obtained from sugar-beets, where from 90 to 94 per cent. of the sugar is extracted. The very fact, however, that we are able to so nearly hold our own in spite of such waste is an argument in favor of sorghum cane as a sugar-yielding plant, and it shows what we may do when supplied with more suitable machinery. I consider the whole process of trying to press the juice out of the cane as radically wrong in principle, and any and all attempts to obtain a fair yield in this way have so far failed. The beet-sugar factories underwent the same experience half a century ago; their methods of extracting the juice from beets were very similar to that employed by us. Pressure was employed either in the shape of rolls or hydraulic presses. For many years after they were fairly started they failed to make sugar for less than 20 cents per pound; but, due chiefly to the introduction of the diffusion process, they are now able to drive all other sugars from the European markets. The fact that they are able to do this is not due to the superiority of the beet, but to the superior process employed by them. Sorghum cane can be raised and delivered for \$1.50 per ton.

This is what we can contract with the farmers in our vicinity to raise and deliver it for. The only beet-sugar factory in the United States, at Alvarado, Colo., pays \$4.53 per ton for beets delivered at their factory. Sorghum cane and beets contain about the same amount of sugar—about two hundred pounds per ton. At this rate the sorghum-sugar manufacturer pays three-fourths of a cent per pound for the sugar, while it costs the beet-sugar manufacturer 2½ cents per pound. But our present method of extracting the juice is so imperfect and crude that we lose the very large advantage which we have in the beginning. This much is certain, that it costs less to grow the sugar in the sorghum cane than in any other plant known, and if we can improve our methods of working to the same extent that they have done in the beet-sugar factories we shall be able to supply this country with a pure sugar at a cheaper rate than it can be bought in foreign countries.

It is conceded by all who have tried diffusion that it works perfectly on a small scale; the only difficulty apprehended is in the reduction of the cane to chips; but it does not seem probable that a mechanical difficulty of this kind will long remain unsolved.

The question is frequently asked, "To what extent may the industry be developed, or what portion of the sugar consumed in the United States will we be able to supply?" With a yield of only 37 per cent. of juice we obtained about fifty pounds of sugar per ton. By the aid of implemental crushers this yield can be increased by one-half, or a total of seventy-five pounds per ton. With a yield of ten tons of cane per acre we would have seven hundred and fifty pounds of sugar per acre. This is certainly an inside estimate when everything is worked as it should be, with the very best of our present appliances. Taking that as a basis it would take 3,000,000 acres of land to produce the crop necessary for supplying the entire United States with sugar. The amount of land is about one-third the cultivated area or two-thirds of the land planted in corn in the State of Kansas in 1884, and every State in the Union having a mean temperature no lower than that of Kansas would probably be equally well adapted to cane growing. In fact where corn will grow cane will grow, so that the question of a sufficient production will depend entirely on whether it will pay sufficiently well to command the capital necessary for its development.

Every million pounds of sugar produced will require an investment of at least \$50,000; so that this industry would open a new field for the investment of \$100,000,000, and would turn a large amount of our lands into the production of cane that now grow crops that are produced largely in excess of the demand. This industry would give employment to a vast number of workmen and call into existence new industries for manufacturing the necessary machinery and other supplies. The hundred millions that go abroad every year to buy foreign sugar would be kept at home and be distributed among our own workmen. The great value of the product per acre as compared with other crops ought especially to commend this industry. The same number of acres grown to cane would give employment and support to at least five times as many people as the same amount of land growing corn or wheat.

So far this work has been carried on at a loss to the manufacturers. This has been largely due to the fact that the decline in the price of sugar has just about kept pace with the progress we have been able to make.

The time has come when a change must be made in the manner of operating our works. We must be equipped with better appliances for extracting the sugar from the cane, and must enlarge our works so as to be able to handle our crop more economically. To accomplish this will require time and money. It means new and expensive machinery and costly experiments.

It is to help us over this crisis that we have asked the State of Kansas to give some aid in the shape of a bounty on the sugar produced. There are very few if any industries that can add so much to the material wealth of a State, giving employment as it does to almost every kind of labor. The farmers find a ready market for a crop that is not only sure but very profitable. A new field is open to our laborers and mechanics, and the best talent from our institutions of learning will here find a work that will be worthy of their closest study and tax their utmost skill. It has been urged that the bounty might in the space of five years which it will cover grow to an enormous tax on the State.

The total sugar production in the State for the past season did not exceed 600,000 pounds. It is safe to say that any notable increase in the number of our factories will not take place until by improved methods we shall be able to



make sugar at a less cost. We may, however, look for an increased production of sugars in the factories now in operation. If by improving our method so that we can double our present yield we will have practically reached our present limit, for it will take years to improve the cane. But such a result can not be reached in one or two years. So that it is safe to assume that the average production for the next five years will not exceed 1,000,000 pounds per year. This would tax the State to the amount of \$15,000 per year for the five years. Kansas pays \$1,000,000 per annum as tariff on foreign sugars and at least \$3,500,000 goes out of the State every year to pay for the sugar consumed in the State. With a fair prospect of not only retaining this large amount of money at home, but of making the production of sugar one of the chief industries and sugar one of the staple exports of the State, we sincerely hope that the Legislature may see fit to give us the aid we have asked. What would have been the outcome of the beet-sugar industry of Europe had it not been fostered and cared for by the governments during the early part of its existence?

There were many then that assumed the same attitude toward it that many now do toward the sorghum-sugar industry, claiming that it never could become a commercial success. Fortunately these predictions come from persons who know the least about the matter, and I doubt if there can be found one who has fairly and intelligently studied the matter who does not believe that the problem of supplying our own sugar has been practically solved. I believe the time is not far distant when by improved cane and processes 2,000 pounds of pure sugar will be obtained from an acre of Kansas cane. But to attain to such a result will require renewed efforts on our part and a little timely aid by our State.

If by any reasoning based on facts it can be shown that this industry can not become self-supporting, the State will lose nothing by its downfall. If, on the other hand, facts clearly show that it contains every element needful for success, and that wherever failure or but partial success has been the result it has been due to the causes and circumstances that time and experience will remove, then I claim that nothing more disastrous than the downfall of this new industry could befall the commercial interests of this State.

Mr. PLUMB. The amount of money which will be necessary for this purpose so far as now known is very small. Fifty thousand dollars a year is nothing. I look over the agricultural appropriation bill and I find that we are appropriating \$110,000 a year for seeds. Every one knows that if it were not for the fact that these are distributed largely by Senators and Members in a manner which brings to them some degree of favor from those who receive them that provision would not be in the bill, at least to this extent.

No such amount of money can be appropriated in any one year usefully for the purpose of disseminating new varieties of seeds of different kinds. I find also that under the head of "Gardens and grounds" we appropriate \$18,450 for the little experimental gardens we have here, which practically result in nothing except a few nosegays which from time to time we receive at the hands of the gentleman who manages the establishment. Under the head of "Entomological division," for the purpose of investigating bugs, we give \$27,900, and that has just been increased \$10,000 more. I notice in the report of the Commissioner of Agriculture for this year that while he devotes a page and a half under the head of "Gardens and grounds," only seven lines are devoted to the sugar industry. This I do not speak of for the purpose of making a complaint, because I know that we shall find in due time, when the volume comes to be printed, that the chemist has been doing a valuable work, a work in which he has had the considerate support of his chief; but it only indicates that after all this industry has been under that kind of a ban, has been side-tracked, so to speak, in such a way that it gets only that which is left over; that it does not get the direct attention and the careful nursing and the thorough consideration which any industry with such great possibilities ought to have.

That is because Congress itself has not manifested an interest in it. The chief of the bureau can not do more than he is bid. He can not spend more money than we give him; but we have been so engrossed in other matters, we have been ourselves so affected by the comparative failures heretofore, we have been so content to let well enough alone, that we have not given to this subject the thought nor the appropriation nor the stimulus in any degree which its importance demands.

I hope, Mr. President, that at least this small sum of money may be given, and I shall hope that next year when the result of that will come to be presented to Congress, I shall have the satisfaction of saying that it has not only done a great deal of good, but that we are much further along in the experiment which in time, as I believe, is to put the American people in a condition to produce all the sugar they use.

Mr. HALE. The Committee on Appropriations last year went quite fully into this subject and was a good deal impressed with the importance of this industry, and the sum of \$50,000 was given in the bill of last year. The House this year has put the amount down to \$20,000, and the Committee on Appropriations did not increase it because there was no pressure upon it in that direction.

I do not rise for the purpose of opposing the amendment submitted by the Senator from Kansas because the reasons which operated last year and controlled me then, in charge of the bill, are the same now. I only wish to ask the Senator from Kansas if he is entirely satisfied that the appropriation which was made last year has been devoted to such purposes as have stimulated this industry; and further, whether he is entirely confident if the increased amount which he asks shall be given it will be so devoted to practical experimentation or assistance that this growing industry in his State and elsewhere will receive a real benefit in proportion to the money which we give?

Mr. PLUMB. The money that was appropriated last year was not all spent, but it will be spent between now and the close of this fiscal year. Unfortunately the diffusion apparatus which was designed to be sent to the West was not completed in time to be sent there, but is under contract to go now, so as to be there for the coming season.

I know, however, that many of the persons employed by the Department for the purpose of investigating this subject in the various States have rendered most valuable service. The experiment which I spoke of as having been carried on in Kansas with such favorable results, that of covering the cane and determining by experiment the time in which the cane could remain covered so as to keep it in a condition for manufacture, was carried on by a very intelligent agent of the Department, Mr. Cowgill, and that has done as much as anything else to stimulate the hopes of persons engaged in the manufacture there that the coming year will enable them to do better than they have done this year.

But back of it all is this question of machinery. It has been demonstrated that not more than one-half the juice is taken from the cane by any present process in use, that is, any process in use now in this country. Something ought to be done, therefore, to devise ways and means whereby all the juice can be extracted. It is believed now that the process of diffusion, substantially as used in France and Germany for the extraction of saccharine from the beet, can be so modified and adapted as to do the same work for sorghum. A firm in Wilmington, Del., the Pusey & Jones Manufacturing Company, I believe, have manufactured an apparatus of that character which they believe, and which is believed by intelligent people who have inspected it, comes near at least to answering this purpose, but the actual fact can only be determined by experiment.

Mr. HALE. Is it expected that this appropriation, or some portion of it, will be devoted to the end of securing an advanced method of machinery as applied to the sorghum in extracting the juice?

Mr. PLUMB. That certainly is the expectation. The present Commissioner of Agriculture has stated to me that he designed, if this appropriation was made (and no doubt his successor would feel similarly minded), to erect a machine of that kind in Louisiana to be used there in connection with the manufacture of sugar by private apparatus, which would demonstrate, if demonstrate it can, the ability of that machine to meet this great lack.

Mr. GIBSON. If the Senator from Kansas will permit me, I can give the Senator from Maine some information in respect to this matter.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Louisiana?

Mr. HALE. Certainly.

Mr. GIBSON. The Commissioner of Agriculture, with the appropriation that was made last year of \$50,000, has done much by scientific experiments and investigations to aid the manufacture of sugar, and has had constructed in Wilmington, Del., a diffusion machine for manufacturing sugar from sorghum cane. It is of American manufacture, and the first of its kind I believe. It has not yet been tested, but will be in readiness for the crop this autumn. The Commissioner desires to contract for a diffusion machine adapted to the ribbon cane that is produced in Louisiana, which is harder and of a tougher texture than sorghum cane. The machine will require certain modifications to suit this cane.

This diffusion process was early applied both in France and Germany to the manufacture of beet sugar, and, I may say, it has reached perfection in those countries. Everything that chemical or mechanical science or governmental favor could do to facilitate and stimulate the production of sugar from the beet has been done. And by our laws all machinery for the manufacture of sugar from beets is admitted into our country free of duty, while machinery for the manufacture of sugar from cane is taxed at a very high rate—over 60 per cent. ad valorem, if I remember correctly.

It is true, as the Senator from Kansas says, that the producers of sugar in this country are greatly embarrassed. But this embarrassment is not owing so much to natural as to artificial causes. It is owing chiefly to governmental interference—to the Bismarckian policy of Germany. A drawback or bounty is allowed by the German Government upon every pound of sugar exported, equal to the cost of its production. This policy has increased vastly the production of sugar in Germany, has enabled the Germans to drive the French sugars out of the English markets, to overwhelm the English refiners, and to gain an undisputed supremacy not only in the English markets but in the sugar markets of the world.

The producers of sugar in all countries have been overwhelmed in a common ruin. The planters in the British possessions in the West Indies, British Guiana, and Honduras have petitioned Parliament for relief and set forth by grand committees their grievances and distresses. Cuba is bankrupt. The Spanish bondholders are also crying out for relief. The producers of sugar are seeking our markets as the only remedy. Sugar is cheaper relatively than any other article of food.

Mr. McPHERSON. How much is the German export bounty?

Mr. GIBSON. About the cost of production in Germany—about 2 cents a pound. This action of the German Government about two years ago created intense excitement and resentment among the sugar-refiners of England, and threatened to produce a reaction against the free-trade principles which have prevailed since the repeal of the corn laws, and led to a re-examination of the theories of the school of Cobden. The English refiners cried out for fair trade.

But Mr. Gladstone took ground against the refiners and insisted that if the German people were willing to tax themselves in order that sugar

might be produced in Germany and be sold to the consumers in England below the cost of production, for less than it could be bought in the tropics and refined in England, the English people ought not to complain; they ought rather to rejoice at the cheapness of an article so necessary to their comfort and well-being. This answer might be made on behalf of the people of the United States. I represent a community which is suffering from the cause I have assigned, and not as many persons imagine because sugar can not be profitably cultivated in Louisiana. I do not ask for bounties or for an increase of the tariff to counteract the effects of the action of the German Government, though on principles of international equity this might be done.

We already have a fair tariff upon foreign sugars, and I know that governmental action is powerless to maintain prices or to override the laws of supply and demand. During the Robert J. Walker tariff, from 1846 to 1860, the sugar industry of Louisiana was rapidly developed, enjoyed its greatest prosperity, and supplied over one-half of all the sugar consumed in this country. But what is the condition of this trade today? Why, the supply from domestic sources is only about 10 per cent. of the consumption, and we import one hundred millions' worth of foreign sugars a year. Germany is selling sugar to-day in New York for less than it costs to produce it in Cuba and Louisiana.

If she gain a monopoly of our markets and destroy the sugar culture in the West Indies and Louisiana, our dependence will become as absolute as that of England for an article of food which our people can not do without. By derangement of our foreign relations, any accident, any disturbance of our relations with Spain or England or any European nation would place it out of our power to obtain supplies unless we had a navy sufficient to command the seas and keep open the markets of the world and the sources of supply. Under those circumstances I am rejoiced to hear the Senator from Kansas [Mr. PLUMB] give such ample assurances based upon facts well authenticated of the capacity of his and the neighboring States to produce sugar from sorghum, and surely the sample he has presented to the Senate is fit for any table and any taste however fastidious. I believe, sir, that with improved methods of cultivation and manufacture the crop of Louisiana can easily be increased so as to supply again one-half of the sugar consumed in this country.

It is believed by those who have the matter in hand that the diffusion process when successfully applied will increase the yield fully 25 per cent. We already begin to perceive the ill effects of the bounty system in Germany on the Germans themselves, for overstimulation has led to bankruptcy, and I do not believe that a policy originating in resentment against France and that imposes such a tremendous burden upon the German people can long be maintained.

At all events, sir, I feel assured that every Senator will admit the expediency of bringing the aid of scientific experiment to enable us to produce sugar on a larger scale at fair profit and at lower rates for the people of our own country.

I find that for the purposes indicated the sum of \$20,000 has already been appropriated by the bill. The Commissioner told me this morning he would require \$50,000.

I trust the amendment of the Senator from Kansas may be adopted.

Mr. McPHERSON. Will the Senator from Louisiana please permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Maine [Mr. HALE] yield to the Senator from New Jersey?

Mr. HALE. Yes, sir.

Mr. McPHERSON. I am addressing myself to the Senator from Louisiana. I wish to know whether I correctly understood the Senator. If I understood him aright, he said that the German Government offered an export bounty of 2 cents per pound upon sugar exported from Germany, and that 2 cents per pound given by way of export duty repaid the cost of production. In the Senator's opinion is it not reasonable to suppose that if Germany can raise sugar at 2 cents a pound the United States upon its virgin soil, inexhaustible as it is in fertility, can raise it for even a less price than 2 cents a pound? If that be so, is it not the duty of the Government of the United States in every way it possibly can to encourage the production of sugar in order that the product may be cheapened to our own people and in order that our agricultural interests may be increased?

Therefore, is it not wise, inasmuch as Germany and France, upon soils comparatively barren as compared with our own, can produce beet sugar at 2 cents a pound, that this appropriation should also cover machinery for the preparation of beet sugar as well as sorghum and cane sugar? In other words, if an experiment is to be made, had it not better be made in the direction of experiments heretofore made in other countries which have produced success? If they can raise beets in Germany or France from which sugar can be profitably made at 2 cents per pound, I am quite sure that with the same diligence on the part of our Government sugar may be raised and manufactured here from like products (as to other products I know nothing, but certainly from like products) at a price even less.

If the amendment of the Senator from Kansas does not cover the point I wish to make, which is that it may include machinery for the manufacture of sugar from all products, cane, sorghum, and beets, I should like to have it so amended.

Mr. HALE. Will the Senator from New Jersey allow me to interrupt him for a moment?

Mr. McPHERSON. Yes, sir.

Mr. HALE. The language of the clause contains nothing whatever about machinery. That is left to the discretion of the administrator of this Department. How this money shall be applied to the encouragement and development of the cultivation of sugar from one vegetable product or another Congress has not sought to settle or decide, but the fund is given. I do not, as I said before, rise to object to the amendment. I am willing the appropriation should be made \$50,000, but I should not like to see any particularization as to how the money should be spent by the Department. If it is to be spent in improving machinery and developing tests, let that be done by the Commissioner of Agriculture and not by us.

Mr. McPHERSON. Very well; but if I understood the Senator from Louisiana correctly his statement was that it is the purpose of the Commissioner of Agriculture to prepare machinery by which economy may be practiced in the manufacture of the cane sugar of Louisiana. I take it that no very large portion of this country can profitably cultivate the cane sugar that is cultivated in Louisiana. I also believe that sorghum may be cultivated in almost every State of the Union, and profitably. It is profitably cultivated to-day in New Jersey under a bounty offered by the Legislature of that State. New Jersey pays, I believe, 1 cent per pound upon all the sugar manufactured from sorghum grown in the State. It pays also \$1 per ton upon all the sorghum cane grown in the State and manufactured into sugar. Under that bounty the sorghum industry has grown to quite large proportions, and it has forcibly demonstrated the fact that sorghum sugar can be cultivated and profitably cultivated in this country. Certainly upon the great Western plains and in the valley of the Mississippi, where the soil is rich and inexhaustible in its fertility, both sorghum and beet sugar can be grown and profitably grown, thus opening another wide field for agriculture.

Relying entirely upon the statement of the Senator from Louisiana that the purpose of this amendment is in order that machinery may be constructed or improved entirely and simply for the manufacture of cane sugar, I think it would be unwise to restrict it to that, if the amendment proposes to do so.

Mr. HALE. I misunderstood the Senator from Louisiana if he said that the object of this appropriation was exclusively what he referred to, in the direction of experimentation on the sugar-cane of Louisiana. It is only one of the things that the Commissioner of Agriculture will consider, and I do not think the Senator from Louisiana believes that the appropriation is for that purpose alone.

Mr. GIBSON. By no means. The presumption of the bill itself would exclude that idea, for it says in lines 93 and 94, "including experiments in the manufacture of sugar from sorghum and other vegetable plants," which would include beets.

Mr. ALDRICH. As I understood the Senator from Louisiana, one at least of the objects of the amendment is to enable the Commissioner of Agriculture to purchase machinery to experiment upon a new method of manufacturing sugar from cane. I am sorry that the Senator has left his seat, because I am anxious to know whether the policy is to be adopted whenever an industry may be depressed of having the Government of the United States purchase machinery for the purpose of experimenting upon new methods of manufacture. The Senator from Massachusetts [Mr. DAWES] asks me why not? I should be glad to have him answer the question he asks. But if it is to apply to the manufacture of cane, why not apply it to all kinds of manufacture? For instance, when the woolen industry happens to be depressed, why should not the Government buy up machinery and establish a woolen manufactory for the purpose of experimenting upon some new methods of manufacturing woolen goods?

I do not mean to oppose the amendment, but I want to understand exactly what the gentlemen who are favoring it desire and intend by it. I want to ask the Senator from Louisiana whether he thinks it is within the legitimate province of the Government to expend the public money in the purchase of machinery to promote an experiment on new methods of manufacture?

Mr. WILLIAMS. Mr. President, I do not want to make a speech, but it does strike me that the amendment offered by the Senator from Kansas to add \$30,000 to this appropriation is a mere bagatelle at which the Senate should not hesitate an instant.

What are the facts in this case? All the industry that we have in the manufacture of sugar from sorghum and beets has received whatever encouragement it has received at the hands of Congress through the Agricultural Department. Before appropriations were made to enable the Commissioner of Agriculture to experiment with the different kinds of cane and the machinery and methods of extracting the saccharine matter from the cane, not a pound of sugar had ever been extracted from sorghum in the United States; but year after year Congress has made small appropriations and experiments have been made by that Department.

It has now an organized corps of able chemists and experimenters and machinists; it has a laboratory upon the grounds, and from time to time we have encouraged the Commissioner of Agriculture in his experiments. The information which he has collected has been disseminated among our people from one end of the country to the other. He first demonstrated that sugar could be extracted from sorghum, produced in almost every State of this Union, and that information has been



sent out to our people until there is now a belief among the farmers of the West that with proper and improved machinery the day is just at hand when we shall manufacture from cane, sorghum, and beets every pound of sugar that the millions of people upon this continent will consume.

Why shall the Senate of the United States hesitate a moment upon an appropriation of \$30,000 additional to continue these experiments which promise results so great, which will save us a hundred million dollars a year? I believe fully in it. We have now a beet-sugar manufactory in the State of California which promises immense results. We all know that the sugar-cane in Louisiana will never produce sugar enough for the consumption of our own people. Louisiana now furnishes but 8 percent. of that which is consumed in this country. Nobody ever hesitates in protecting Louisiana sugar, because it is always an important question of revenue. Only \$8,000,000 or \$9,000,000 worth are manufactured there as compared to the hundred million dollars' worth that we import from abroad.

In order to still further encourage these experiments let us give the Commissioner of Agriculture \$50,000 or \$100,000, if he wants it, so that he may bring from abroad or have manufactured in our own country such machinery as science may indicate would be necessary to provide better methods of extracting the saccharine matter from the beet or the sugar-cane or from sorghum.

I see nothing wrong in this policy. I do not want to have the appropriation applied specifically to beets or to sugar-cane or to sorghum. Let it, as in the language of the bill, apply to sugar-producing "plants," including all, and leave it in the discretion of the Commissioner of Agriculture, for I have confidence in him.

The results heretofore have shown us that the policy is a wise one. Before this matter was intrusted to the Agricultural Department sorghum had been known only to produce a sour sort of molasses scarcely fit for the table, but under the investigations of science conducted by that Department better methods of extracting the juice have been discovered which have led to the manufacture to-day of the very best molasses and sirup extracted from sorghum found upon the tables of the best hotels and families in the whole United States. There is a sample of sugar extracted from sorghum upon the desk of my friend from Kansas which is as good as any sugar ever made from the beet on the face of the earth.

We have a country which produces to some extent sugar-cane, but we have a country which produces in a universal degree the sorghum; and in large sections of it we find lands proper for the production of beets. Let us give every encouragement in our power to develop the industry and furnish our own people all the sugar they want.

Mr. ALLISON. I intend to vote for the amendment suggested by the Senator from Kansas, and I think the Committee on Appropriations would have reported the increased appropriation if it had been suggested to the committee from any source that it was necessary.

That is about all I wish to say upon this subject, except that last year we appropriated \$50,000 for this purpose, a very small portion of which has yet been expended, and it can not very well be profitably expended until during a portion of the next fiscal year, as these experiments of course can only be made during the summer and fall season. But I am in favor, and I think the Committee on Appropriations are in favor, of liberal appropriations for the purpose of making these experiments with sorghum.

With respect to the experiments proposed as to the production of sugar from cane, I did not suppose, and do not now suppose, that any considerable portion of this money will be expended for that purpose. The success of this experiment I think will prove that in the end we can profitably manufacture sugar from sorghum, and I hope it will so prove, in order that we may in our own country manufacture sugar from these plants.

Mr. INGALLS. Succulent roots?

Mr. ALLISON. That we may manufacture sugar from succulent roots, as my friend on my right suggests, by which of course he means the production of sugar from beets. I trust that we may be able to produce our own sugar, and in that way save the large sums that we annually expend in foreign countries for this purpose, amounting on the average to \$100,000,000 per annum, of which about \$48,000,000 is paid in the shape of duties upon foreign imports.

Mr. HALE. Everybody seems to be in favor of the amendment. I hope we shall have a vote upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the heading in line 96, after "seed," to strike out "bureau" and insert "division;" and in line 97, after the word "seed," to strike out "bureau" and insert "division;" so as to read:

#### SEED DIVISION.

For compensation of chief of seed division, \$1,800; one superintendent of seed-room, \$1,600; four clerks at \$1,000 each; one clerk, at \$840; for the purchase and propagation, and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, to be distributed in localities adapted to their culture, \$100,000; in all, \$108,240.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 106, to insert:

An equal proportion of two-thirds of all plants, seeds, trees, cuttings, vines, and shrubs shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines: *But provided, however*, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents.

The amendment was agreed to.

The next amendment was, in the heading in line 132, before the word "of," to strike out "bureau" and insert "division;" before the word "thousand," in line 144, to strike out "seventy-five" and insert "one hundred;" and before the word "thousand," in line 145, to strike out "nine" and insert "thirty-four;" so as to make the clause read:

#### DIVISION OF AGRICULTURAL STATISTICS.

For compensation of one statistician, \$2,500; two clerks of class 4, \$3,600; three clerks of class 3, \$4,800; four clerks of class 2, \$5,600; five clerks of class 1, \$6,000; seven clerks, at \$1,000 each; four clerks, at \$840 each; two clerks, at \$720 each; for collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, \$100,000; in all, \$134,300.

The amendment was agreed to.

The next amendment was in line 149, after the word "annex," to strike out "six thousand" and insert "seven thousand five hundred;" so as to make the clause read:

#### FURNITURE, CASES, AND REPAIRS.

For repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipes, and other necessary articles, and painting Department building and annex, \$7,500.

The amendment was agreed to.

The next amendment was, in line 169, to increase the appropriation "to establish and maintain quarantine stations, and to provide proper shelter for and care of neat cattle imported, at such ports as may be deemed necessary," from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses," before the word "traveling," in line 196, to insert the word "actual;" so as to make the clause read:

For stationery, freight, express charges, fuel, lights, subsistence and care of horses, repairs of harness, paper, twine, and gum for folding-room, and for miscellaneous items, namely, for advertising, telegraphing, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, and necessary items, including actual traveling expenses while on the business of the Department, \$15,000.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "hereafter," to strike out "to be;" so as to read:

That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employé of the Government, &c.

The amendment was agreed to.

Mr. HALE. I have one amendment to offer on page 7. At the end of line 145, I move to insert the following limitation:

*Provided*, That all illustrations for the Agricultural Department shall be made by the Public Printer under the direction of the Joint Committee on Public Printing.

The amendment was agreed to.

Mr. HALE. The committee has nothing further.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa; and

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending

June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

#### ORDER OF BUSINESS.

Mr. PLUMB. I now move that the Senate proceed to the consideration of House bill 8138, being the Post-Office appropriation bill.

Mr. BAYARD. That, I presume, will be done with the understanding that it does not displace the trade-dollar bill.

Mr. BECK. That was displaced before.

Mr. BAYARD. I meant to say that the present motion should not further postpone the silver bill, which was taken up by a vote this morning.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senator from Delaware that by the action of the Senate this morning the silver bill has gone back to its place on the Calendar. There was a motion to proceed to its consideration, which was determined in the affirmative, immediately after which a motion to proceed to the consideration of the agricultural appropriation bill was made and adopted; which returned the silver bill to its place on the Calendar.

Mr. BAYARD. I was constrained to say what I did in the absence of the Senator from Vermont [Mr. MORRILL], who may be considered in charge of the silver measure, which I rank among the measures of chief importance at the present session.

The PRESIDING OFFICER. The Chair would state to the Senator from Kansas [Mr. PLUMB] that under the ruling of the President *pro tempore* of the Senate, it is the duty of the Chair to lay before the Senate at this time the only remaining special order, after which the Senator's motion will be in order. The Secretary will read the title of Order of Business 113, Senate bill 60.

The CHIEF CLERK. "A bill (S. 60) to declare certain lands subject to taxation."

Mr. PLUMB. Now I renew the motion which I made before.

Mr. INGALLS. I suggest that, in order to avoid displacing the special order, my colleague ask unanimous consent.

Mr. PLUMB. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent of the Senate that the special order be informally laid aside.

Mr. HOAR. I object.

Mr. PLUMB. Then I move to take up House bill 8138 at this time.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate do now proceed to the consideration of the bill indicated by him, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes."

The motion was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the following acts and joint resolution:

An act (S. 2158) granting an increase of pension to Jessie V. Harold;

An act (S. 150) granting a pension to Sarah Denny Ripley;

An act (S. 1416) granting a pension to Mrs. Charlotte Hackett;

An act (S. 1546) granting a pension to Orin R. McDaniel;

An act (S. 2231) granting a pension to Mrs. Kate A. Drummond;

An act (S. 2398) granting a pension to Cyrus Reeser; and

Joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which are now in the custody of the Secretary of War.

The message also announced that the President had this day approved and signed the act (S. 1251) to authorize the purchase of a wharf for the use of the Government at Wilmington, N. C.

#### HOUSE BILL REFERRED.

The bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### WIDOW OF MAJ. THOMAS T. THORNBURGH.

The bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army, was read twice by its title.

Mr. MITCHELL. I ask that that bill be placed on the Calendar. The Senate Committee on Pensions has reported a bill in the same case.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar.

#### AMENDMENT TO AN APPROPRIATION BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.; and

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the formal reading of the bill be dispensed with and that it be read by paragraphs for amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas asks the consent of the Senate that the first formal reading of the bill be dispensed with and that it be read for amendment. Is there objection? The Chair hears none, and it is so ordered. The reading will proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was in section 1, line 28, to reduce the item of appropriation "for compensation to clerks in post-offices" from \$5,300,000 to \$5,150,000.

Mr. HAWLEY. I ask the attention of the Senator in charge of the bill to this amendment. I have not before me at this moment the estimates. There is a deficiency bill appropriating \$75,000 for compensation to clerks in post-offices for the current year. I have been informed, and I believe that the Postmaster-General in estimating for the compensation to clerks for the coming fiscal year estimates what he really wanted and did not overestimate with the expectation of having a discount made, but believed that the public service required actually the full amount he asked for. I ask for information as to whether the appropriation as the committee would have it is up to the estimate.

Mr. PLUMB. The appropriation as made by the House was exactly the estimate, \$5,300,000. The Senate Committee on Appropriations believed that that might be, and ought to be, reduced. I do not mean by that that the Postmaster-General had not some warrant for his estimate, but the estimate is not by any means conclusive and has never been so regarded. Last year the appropriation was \$4,900,000 and that led to a deficiency of \$75,000. Four million nine hundred and seventy-five thousand dollars, therefore, was the full measure of the expense and the necessary expense for that service last year. The committee did not think that it was proper to add to that amount \$325,000. That was a larger increase than had been made in any year heretofore, and we believe it was in excess of the needs of the Department, which would be of course in excess of those of last year, but there is manifestly some error in the distribution of this money, and we think that a little pressure on the Department would correct these errors and that the addition of the amount we allow will amply provide for this service.

Mr. HAWLEY. I concur with the Senator in believing that there has been some error of judgment in the distribution of this money. I am satisfied that there has been a lack of sufficient funds. I have had occasion several times within a year or two to beg for additional clerical force under circumstances where I knew it was absolutely required, and in one case where I knew that the postmaster himself sacrificed a portion of his revenue that the public work might be done. I will instance the post-office in my own town of Hartford. The net profits to the Government of the United States of the post-office in the town of Hartford were \$90,000 last year, and the postmaster paid a portion of his salary of \$3,000 towards additional clerk-hire in one case, and he is begging that there be another clerk allowed him. One clerk at \$1,200 a year is allowed him now.

This increase is not according to the increase of the population of the United States, which is in the neighborhood of 3 per cent. per year. If the appropriation for this kind of service should increase  $1\frac{1}{2}$  or 2 per cent. a year, I should not be at all surprised. It would be in accordance with the natural growth of the business of the country, the establishment of new post-offices and the natural increase of the business at the old offices. I shall vote against any reduction of the Postmaster-General's estimate in this respect, for I should like once to see enough appropriated to do the business of the Government decently.

Mr. PLUMB. The committee certainly believe we have given enough for that purpose.

Mr. HAWLEY. I am afraid the committee is wrong.

I ask the sense of the Senate on this amendment proposed by the Committee on Appropriations, and hope the Senate shall disagree to it, for I sincerely believe that the Postmaster-General did not overestimate the necessities of the Department. Every year we have been obliged to appropriate for a deficiency. The estimate in this case was \$5,325,000.



The House struck off \$25,000. The Senate committee, on general principles, struck off \$150,000 more. I do not care how strictly the Department shall be held to account in this matter, but I should like to have it once able to say in response to an urgent demand for a little more help that it had the money but did not think the thing ought to be done, and not be obliged to say, as it does for the last six months of every year, "We know you need it, but we have not the money."

I ask the Senate to disagree to the amendment.

Mr. PLUMB. The Senator from Connecticut made one mistake. He stated that the Department's estimate was \$5,325,000, and that the House had cut it down \$25,000. That is an error. The estimate was \$5,300,000, exactly what the House appropriated. The Senator made another mistake, and that was that the Senate committee had cut it down on general principles. I think that would be in a great many cases ample justification for reducing the appropriations called for by estimates; because in a great many cases estimates are made very much larger than are necessary for carrying on the service; and I do not speak of the Post-Office service particularly; but in all branches of the service the Department's estimate for more than they expect Congress will give them or than they deem absolutely necessary.

Mr. HAWLEY. Will the Senator pardon me a word?

Mr. PLUMB. I will.

Mr. HAWLEY. The Senator can take it for what it is worth, but the Postmaster-General assured me that he told Congress the truth in this case, that he wanted and believed he absolutely needed \$5,300,000. Whether they all say that or not I do not know. I have known Departments to say that, in order to meet a cutting down which committees would inevitably make in order to show economy, they sometimes overestimated. In this case the Postmaster-General declared that he did not—and I believe him—overestimate a dollar.

Mr. PLUMB. I was coming to that. I was proceeding to say that I think it safe, as a general rule, to cut down the estimates, which are generally from 25 to 50 per cent. more than is appropriated, and I think the Government has been able to get along fairly with the moneys appropriated. While I am about it I will say that I believe if the expenses of this Government were reduced several millions it would be a better machine than it is now; but in regard to this particular item it is not safe to disregard the expenditures heretofore made. Last year we added \$125,000 to the amount appropriated for the year before. That was not enough, but it was all that the Department estimated for. That is to say, the House last year, in the bill which came over, gave precisely the amount that had been appropriated the year before, the Senate added enough to put it up to the estimate, \$125,000 additional, and that was appropriated, and the result was a deficiency of \$75,000. In other words, if we had appropriated last year \$4,975,000 we should have had enough for the service. Now this year the House, repenting of its contracted views of the year before apparently, went to the other extreme and gave an addition of \$400,000 beyond the amount appropriated the year before.

Mr. HAWLEY. Remember that it is really only \$325,000 more, because they put \$75,000 into the deficiency bill.

Mr. PLUMB. I will stick to my statement. It is exactly true. They appropriated \$400,000 more than was appropriated the year before. That is what I said, and I repeat it. Now, the Senate Committee on Appropriations did not think that \$400,000 more than the appropriation of last year, being \$325,000 more than the actual and necessary expenses of the year, was needed. They believed that amount might be contracted. This is to be considered, that if you appropriate \$10,000,000 it will be spent; if you appropriate \$6,000,000 it will be spent. Any sum you appropriate will be spent; and the only control Congress has over this matter at all is in the making of the appropriations, because there is not and can not be in the nature of things any special designation by law of the sum of money to be received by a particular postmaster or at a particular post-office for clerk-hire. It must be left to the discretion of the Postmaster-General.

The committee believe—not on general principles, but after investigation—that there are many post-offices which are getting too much; that there is a discrimination in favor of certain post-offices which if remedied would reduce the expenditure for this purpose very largely.

The Senator speaks of the poor, pitiful pittance of \$1,200 for a clerk at Hartford. There is not a clerk in a post-office in the State of Kansas that gets \$1,200; there are not, probably, half a dozen who get \$1,000. There is no complaint at all from Hartford by comparison with the complaint that legitimately exists in the Western country.

Our complaint, however, is not so much that Congress does not give enough money as that it is not properly distributed. Of the \$125,000 we added last year to what was appropriated the year before the Postmaster-General gave \$76,000 to four or five large offices, and offices at places where clerks now are getting salaries that more than double the salaries in any place west of the Mississippi River. We believe that extravagances of that kind are not necessarily put upon this appropriation, and that if we would have a proper distribution and an economical distribution of this fund the only way to do it is to put the amount as small as we think the Department can properly get along with. If we are to add \$150,000 on the theory that it can be spent and that every demand which is to come in for clerk-hire is to be satisfied, then of

course we must keep adding and adding and adding every year, because there will never be any cessation of demand. The committee believed that the amount appropriated by their amendment would be sufficient for the purpose.

Mr. MILLER, of California. The Senator from Kansas has made a charge against the Post-Office Department of the improper distribution of this fund. I am not able to say about that, but I know that in the State which I in part represent there is great complaint that there have not been clerks enough in the post-offices. There has been no complaint about the salaries that I know of, although the salaries are very small; but in that part of our country in our post-offices we have not had a sufficient number of clerks to properly perform the service, and that is a matter of public notoriety in that State. I do not know whose fault it is, but to be on the safe side I shall vote with the Senator from Connecticut.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 36, section 1, to reduce the appropriation "for payment to letter-carriers and the incidental expenses of the free-delivery system" from \$4,535,000 to \$4,485,000.

The amendment was agreed to.

The next amendment was, in line 49 of section 1, after the word "that," to strike out "hereafter;" so as to read:

For rent, light, and fuel, \$490,000. That the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly for a term not exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

The amendment was agreed to.

The next amendment was, in line 60, section 1, before the word "office," to insert "safes and other;" and in the same line, after the word "furniture," to strike out "twenty" and insert "thirty;" so as to make the clause read:

For safes and other office furniture, \$30,000.

The amendment was agreed to.

The next amendment was, in line 68 of section 1, to increase the appropriation "for transportation on railroad routes" from \$14,010,000 to \$14,500,000.

The amendment was agreed to.

Mr. BECK. Before the next amendment, beginning on line 106 and extending to line 133, is read, I desire to ask Senators to listen to the reading of it carefully. I speak of it now before it is read so that they may listen to it to prevent its being read two or three times, as it may have to be unless attention is called to it now. That provision was stricken out by the committee in obedience to what we understand to be the rule of the Senate and the requirement of the Senate. The committee obeyed what they understood to be the desire of the Senate and its rule, and have reported accordingly; but a number of members of the committee—I will not say all—desire to retain this provision and as individual members of the Senate expect to vote against the amendment that they have reported in obedience to what they understand to be the rule of the Senate. I mention that now so that the matter may be understood. It is the clause reducing the rate of newspaper postage and increasing the weight of a letter at the single rate from half an ounce to an ounce. That is stricken out *pro forma*, and I call the attention of the Senate to it.

Mr. MILLER, of New York. Do I understand the Senator from Kentucky to say that the committee have stricken out the lines indicated in obedience to a rule of the Senate?

Mr. BECK. We so understand. It is legislation, and we can not insert any legislation ourselves, and so we feel instructed to strike out what is positive legislation inserted by the House, and submit the question to the Senate whether they will have it in the bill or not.

Mr. MILLER, of New York. I understood the Senator to say that it was stricken out in obedience to a rule of the Senate. I know of no rule which requires a committee of the Senate to strike out any matter put into a bill by the House of Representatives.

Mr. BECK. Perhaps I have not been felicitous in the form of my expression, but we have been instructed that legislation should not go upon appropriation bills until we have felt constrained to present the question to the Senate, reserving our own individual right as Senators to vote as we please. We know that if the clause is stricken out here it can be inserted in a conference committee and will be inserted by the conference committee if the House conferees can convince the Senate conferees that the legislation is good. For myself, believing this to be good legislation, I reserved the right to vote for it here, and so did other members of the committee.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations, which has not been read. The part of the bill proposed to be stricken out will be read.

The CHIEF CLERK. After the word "dollars," in line 106 of section 1, it is proposed to strike out:

That upon all matter of the first class, as defined by chapter 180 of the laws of Congress approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 2 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to bona fide subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law: *Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. Any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. MILLER, of New York. I trust that this amendment will not be agreed to. The clause proposed to be stricken out contains several separate provisions, as will be seen. The first and most important one is that which increases the weight of letters allowed by law from a half-ounce to an ounce, leaving the rate of postage the same upon the full ounce as it heretofore has been upon the half-ounce. I trust that that will become a law. I presume before taking the question upon agreeing to this amendment it will be in order to perfect the clause by moving amendments to it. I desire to strike out several lines in this section before the vote is taken on striking out the whole clause. The proviso in line 129 is:

*Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto.

I desire to strike out those words for the express purpose of having only one rate of postage on second-class matter. I believe that to be in the interest of the public, and certainly it is in the interest of an economical management of the Post-Office Department.

Mr. HALE. Will the Senator allow me to ask a question?

Mr. MILLER, of New York. Certainly.

The PRESIDING OFFICER. Will the Senator from New York repeat what he proposes to strike out?

Mr. HALE. What I am trying to find out is what the Senator is seeking to reach. Does he seek to leave the lines 129, 130, 131, and part of 132 in the bill as the House has left them, thereby exempting them from the striking-out process of the Committee on Appropriations as reported?

Mr. MILLER, of New York. I desire the Senate to disagree to the amendment of the committee except as to those lines and one or two others which I shall indicate.

Mr. HALE. The Senator desires to leave in those lines?

Mr. MILLER, of New York. I desire to leave those lines out of the bill; I desire the Senate to disagree to the amendment of the committee to strike out all the lines which have been read. That will restore them to the bill. Then, I desire to have these few lines stricken out. The Senator from Kansas suggests that it would be better to act on these important questions separately, taking one step at a time; for instance, act separately on the first part, which increases the weight of letters from a half-ounce to an ounce; but I do not see how parliamentarily we are to do that.

Mr. HALE. That is one of the things I want to find out. Here are several propositions sent us by the House in this bill, and the Committee on Appropriations strikes a line through all of them. They are separate and distinct, raising different kinds of questions. Now, in what way can the Senate, hampered as it is by its rule, modify this clause so that it may strike out a portion and leave the rest remaining in the bill?

Mr. MILLER, of New York. Allow me to suggest—

The PRESIDING OFFICER. The Chair may be allowed to suggest that the Chair sees no reason why the question may not be divided so far as different parts of the clause refer to different and distinct objects.

Mr. HALE. Can we take a distinct vote on each proposition?

The PRESIDING OFFICER. The Chair sees no reason why it may not be done.

Mr. HALE. That would reach it, of course.

Mr. SHERMAN. There are here six different substantive propositions that have no necessary connection with each other. I ask for a division of the question upon each of these. The first will extend down to line 117; that is the one which increases the maximum weight, allowed for a letter paying single postage, from a half-ounce to an ounce. Then the next is down to line 121, relating to drop-letters.

The PRESIDING OFFICER. The Senator from Ohio proposes that the first question shall be on striking out down to line 117, ending with the word "thereof."

Mr. MILLER, of New York. Would it be in order to vote now to disagree—

The PRESIDING OFFICER. The Senator from New York will please suspend a single moment. The Chair desires to understand from the Senator from Ohio at what line he begins the striking out of the first proposition he asks for a division upon.

Mr. SHERMAN. I ask for a separate vote upon the proposition to strike out from line 106, beginning "that upon all matter of the first class," down to and including "ounce or fraction thereof," on line 117.

The PRESIDING OFFICER. The entire amendment of the committee down to the word "thereof," in line 117?

Mr. SHERMAN. Yes, sir. I ask for a separate vote on that question.

Mr. BECK. I desire to know why the proposition made by the Senator from New York is not perfectly in order. We now have the text of the House bill before us. The proposition of the committee is to strike it out. Pending that motion of the Senate committee to strike out the paragraph, the Senator from New York seeks to amend it by striking out from line 129 to the word "thereto," in line 132, in order to perfect the text of the House bill before the motion to strike out is considered. Why is not that perfectly in order now?

Mr. SHERMAN. When we reach that point in the paragraph, as a matter of course that will be proper enough; but as I have asked for a separate vote on each different proposition, the first question will be on striking out the part I have already indicated.

Mr. BECK. So that this will amount to the same thing. The Senator from New York will still have his right when we reach that part?

Mr. SHERMAN. Undoubtedly when we reach that; I agree with him there.

Mr. BECK. That is right.

Mr. MILLER, of New York. I have no objection to the course suggested by the Senator from Ohio.

The PRESIDING OFFICER. A division of the question is on the first branch of the amendment recommended by the Committee on Appropriations.

Mr. HALE. Let us have that read.

The PRESIDING OFFICER. The Chief Clerk will read the first branch of the amendment on which the vote is to be taken separately.

The CHIEF CLERK. It is proposed to strike out the following words, beginning in line 106 and ending with the word "thereof," in line 117:

That upon all matter of the first class, as defined by chapter 180 of the laws of Congress approved March 3, 1879, entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 2 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof.

The PRESIDENT *pro tempore*. The question is on striking out these words.

Mr. SAULSBURY. I should like to inquire of the chairman of the committee, or whoever has charge of the bill, how these various provisions are to affect the postal revenues? Before I vote I want to know something about the effect of the proposed legislation.

Mr. PLUMB. I will state the conclusion of the committee on that point. The first provision is not estimated to affect the revenues at all. That increases the weight which may be sent at 2 cents from a half-ounce to an ounce. It is believed that will not diminish the revenues, and possibly may even increase them, because certain matter which now goes as printed matter unsealed by reason of the fact that it weighs more than half an ounce will be sent sealed, and therefore more matter will be sent sealed because it can go with more security and will be more attractive to the person receiving it—that is, he will be more likely to read it if it comes sealed at 2 cents postage.

The next item, proposing a reduction on second-class matter, will nominally reduce the revenue of the Government a million dollars, the gross amount received from that service now being about \$2,000,000. There has been a suggestion that to some extent that will be compensated for by reason of the fact that more of this class of matter will go by mail than now, a considerable portion now going by express, and to that extent some portion of the deficiency of a million dollars will be made up; but that of course is speculation.

The third clause, commencing with line 129, if adopted, would undoubtedly increase the revenue somewhat. That matter now—sample copies of second-class publications—goes at the pound rate.

Under the law of 1879, being the Post-Office appropriation bill for the fiscal year 1880, publications of the second class were entitled to be transmitted through the mails at 2 cents a pound, the postage being prepaid. That included sample copies. By this provision sample copies are required to pay a cent for four ounces, which is 4 cents a pound—double the rate now charged.

Mr. BECK. I wish to state with regard to the provision relative to sample copies that unless I change my mind on the argument of the Senator from New York I am disposed to adhere to the provisions of the House bill. It is said that these so-called sample copies are used for many other purposes than as sample copies; that the lotteries use them to a great extent, the patent-medicine people, and everybody who



wants to get his advertisements in at the pound rate, and they are generally not legitimate newspapers nor used by newspaper publishers. They are being sent all over the country at the low rate, not as legitimate publications for use but as advertisements for private speculation. If that is cut off by increasing the rate from 2 cents per pound to 4 cents as this proposes, and the express companies lose a portion of their business, as they will by the lower rate on second-class matter, instead of losing a million the loss will be less than half a million, and perhaps a good deal less even than that. But the sample business has been abused enormously, according to the information we have had.

Mr. MILLER, of New York. The discussion seems to be going on upon the whole subject rather than upon the point made by the Senator from Ohio in regard to my proposition to strike out from line 129 to and including line 138. Under this provision all regular publications of the country will be compelled to pay two rates of postage upon the same matter, one rate to their regular subscribers, 1 cent per pound, and upon all sample copies which are sent out by all weekly publications, particularly at the close and the beginning of the year, in large numbers, they will be compelled if this provision is left in to pay postage at the rate of 4 cents per pound.

I do not care to argue the question as to what the rate ought to be, whether it shall be 1 cent or 4 cents, or any other sum; but the ground I take is that there should be one rate of postage for the same class of matter, whether it is going to a regular and permanent subscriber who gets his paper or his magazine by the year, or whether it is sent out as a sample copy for the purpose of inducing subscriptions. I do not believe it wise to make any such distinction.

Now as to the objection raised by the Senator from Kentucky, that if this provision be stricken out it will allow all sorts of matter to go through the mails as second-class, including advertisements, I have only to say that under the present regulations of the Post-Office Department no publication is permitted to be taken in the mails as second-class matter unless it is shown to the Post-Office Department that it is a regular publication; that it is issued regularly weekly, monthly, or quarterly. The publisher must give sufficient and proper evidence to the Post-Office Department to allow it to be mailed as second-class matter.

Undoubtedly under the law as it now stands, and under the law as it will stand if this provision is stricken out, many journals which are called trade journals will circulate large numbers, not only to regular subscribers, but to persons engaged in the trade which the particular journal represents. Those journals contain a great deal of advertising matter, but I imagine that one of the chief duties of the Post-Office Department is to carry advertisements for the commercial community. All of our daily papers, all of our weekly and semi-weekly journals, and all of our quarterlies and magazines contain large numbers of pages of advertisements, and they are carried at these regular rates.

It certainly is a very great convenience to the business community, to all commercial men, and I can imagine no rule which should be applied to the Post-Office Department that will make two rates of postage upon identically the same class of matter. That is what this proposes to do. Therefore, after that section of the amendment designated by the Senator from Ohio has been voted upon, I shall, in some parliamentary way, ask that the remainder of the amendment be disagreed to, with the exception which I have named; and if that is done, then there will be the one rate of postage on all second-class matter, whether it goes to an individual subscriber or whether it is sent out as a sample copy for the purpose of soliciting other subscribers.

I believe it to be unwise to make so many different rates of postage. I venture the assertion that there is not a Senator on this floor to-day who can sit down and write out the different rates of postage which are imposed by the United States laws, not even the members of the Post-Office Committee. I served upon that committee for two years, and I am very sure I could not tell the rates of postage on many kinds of matter without looking at the Post-Office regulations. We ought to have one rate on letters (2 cents), no matter whether the weight is half an ounce or an ounce. Let us have one rate on all publications.

Mr. PLUMB. In striking out this legislation from line 106 to line 151, inclusive, the committee acted more upon the idea of striking out legislation than of furnishing information as to its own opinion as to the character of the legislation proposed. I think I may safely say that with reference to the first two provisions, the committee as individuals were all of them in favor of them—that is to say, they believed the propositions were wise. I have been running back over the appropriation bills for a number of years, and I find that all the amendments to the rates of postage for the last twenty years have been made in appropriation bills. I find also that in the appropriation bill for the fiscal year 1880 there are twenty-two sections of general legislation regulating the classification of mail matter, and that is the law as it stands to-day except as it was modified in an appropriation bill two years ago when letter postage was reduced from 3 cents to 2 cents. If, therefore, the Senate shall see fit to disagree to the proposition of the committee so far as it relates to the first two subjects down to and including line 128, certainly the committee itself will have no occasion for any feeling at being overruled. In regard to other matters something will remain to be said when they shall be reached.

Mr. SHERMAN. I find that members of the Committee on Appropriations who propose to strike out this clause, substantially agree with me, and other Senators who have spoken think that on the whole, although this legislation is in a bad place, it is legislation that probably is justified by public opinion and by good reason. I therefore feel disposed to gratify them by refusing to vote for their amendment. I presume that is what they want us to do, and I am rather inclined to oblige them in that particular.

Mr. President, the first clause of this provision of the bill I think is a very good one, because we know that by the custom of using envelopes, especially envelopes of a large and official character, many letters are of a weight that just goes beyond the half-ounce, and sometimes they are sent without being weighed, as most persons send them, not having the means of weighing them, and they are detained because of an insufficiency of postage.

Then again, we know—every Senator I presume has had that experience, I have had it—that we have been called upon every month for little contributions to the Post-Office Department to pay the deficiency of postage on letters sent to us from our constituents. I presume all Senators have had the same kind of bills presented to them that I have had. It is rather inconvenient to pay for letters that we do not care about receiving, especially when the bills for postage come in monthly installments in this way. The people really have not the means of telling whether a letter weighs half an ounce or a little more, and it creates embarrassment without any use.

I do not believe that the adoption of the provision will in any way lessen the revenue of the Government, but it may make simplicity, and probably to that extent it will do good, and therefore I am in favor of it. In respect to drop-letters, that is clearly a provision in the right direction. Under the present postal law the Government charges the same postage for a letter dropped in the town in which I live to go to my neighbor a few squares off that it does to carry a letter across to California. It seems to me that it is an unwise and unjust provision to require two cents postage on a drop-letter.

Mr. ALLISON. That is not changed by this provision.

Mr. SHERMAN. I thought it was.

Mr. ALLISON. No.

Mr. SHERMAN. It ought to be. I see, beginning in line 119, the provision:

And 1 cent for each ounce or fraction thereof where free delivery by carriers is not established.

Mr. ALLISON. That is the law now.

Mr. SHERMAN. In that particular Senators think I am mistaken. If so, it ought to be changed.

Mr. PLUMB. The only effect of the clause on that point is to accommodate that to the rate established by the preceding paragraph.

Mr. SHERMAN. To the extent it goes it is very well; but I should like to go further. I see no reason why this charge should be made of 2 cents for a drop-letter, while only 2 cents is charged for a letter across the continent; and therefore in this particular I should be very glad if we had the power under our rules to change that, and make that rate 1 cent for each ounce or fraction thereof.

Now in regard to the third clause of this paragraph, the reduction of the rate of postage on publications, reducing it one-half, in my judgment that will tend to throw into the mails a great mass of matter that is now carried by express, and therefore it will tend to swell the mails and tend to make good any deficiency that may occur by the reduction of the rate. Then, besides, the rate of transportation now on all mail matter, especially by railroads, is greatly less than it was when the present scale of postage was adopted. It was adopted a number of years ago, and I have no doubt the rate of transportation of all matter over railroads throughout the country has decreased since the passage of the existing law as much as it is proposed to reduce the rate of postage now upon these publications, and it seems to me, therefore, that if the rate prescribed by the existing law was right when it was fixed, this rate would conform to the proper standard now. So it seems to me there is no objection to that provision which reduces the rate one-half.

Then besides the increase of the number of publications the very great increase, I believe said to be threefold what it used to be, will probably tend still further to make good any deficiency that may be caused by this provision.

Now in respect to the proviso I never could see any reason why a discrimination should be made against a publisher sending a single copy of his paper to a particular person. It is no doubt intended by the man who is the publisher as an advertisement, to advertise his paper; but if it tends to induce a subscriber to take the paper we are reimbursed; and to the extent that the number of papers carried in the mails is increased by this provision it will tend to increase the revenues of the Government. If a newspaper by this means gets a new subscriber, we also get some benefit from that new subscription by an increased revenue. So I can see no objection to that.

I do see objection decidedly to the provision made in lines 129, 130, and 131, which discriminates between papers sent as samples and papers sent to subscribers. The Senator from Kentucky [Mr. BECK] gives the only reason I know of, that the motive in the one case is that the publisher may gain a new subscriber, but I do not think we have any-

thing to do with the motive that induces a man to write a letter or send a paper.

Mr. BECK. Perhaps the Senator from Ohio did not quite catch the objection I had to the provision as to sample copies, which was that a sample copy was not used legitimately for that purpose, but was marked as a sample copy when nine-tenths of it was an advertisement of a lottery or an advertisement of a patent medicine, and not sent out with a view of getting subscribers, but as a cheap mode of advertising a lottery or a patent medicine, and sent all over the country at lower rates than the Government could afford to carry it—not to aid a newspaper but to aid a private individual in making sale of his goods or getting his lottery tickets sold.

Mr. SHERMAN. If we should discriminate and make different rates of postage according to the character of the communications sent, we should be involved in a labyrinth. We have no right to inquire into the motive of the man sending a paper or the motive of a lottery dealer sending an advertisement. We ought not to charge any more for carrying a lottery advertisement than an advertisement of a sermon or any other good production. We might exclude such things on the ground that they tend to immorality, but we must not make a distinction in the rates.

As a matter of course we ought to make love-letters from young men to young women free. That would be right, and I should be glad to do it, but we can not very well discriminate in their favor. We might make a thousand discriminations for good reasons, but we can not do it; and therefore I think this proviso ought to be stricken out. The same rate should be applied to all newspapers or matters of that kind. With that exception I am prepared to overrule, no doubt to their satisfaction, the Committee on Appropriations, even if it does not exactly conform to our rule, and keep the provision in.

Mr. ALLISON. Mr. President, the Committee on Appropriations examined these provisions with some care, as I have examined them. If they were here as a separate measure from the Committee on Post-Offices and Post-Roads I should be glad to give most of them my assent. I think the latter clause is utterly unnecessary, because I believe it is practically the law now. But we are endeavoring to establish a rule here with reference to legislation on appropriation bills, and I think the honorable Senator from Ohio has been disposed to be quite as vigilant in that regard as the rest of us. Now, if we agree to this legislation upon this bill, I do not see but that we place ourselves in the attitude hereafter of legislating on appropriation bills whenever we think the legislation is right.

Mr. SHERMAN. I will ask my friend from Iowa upon what ground, if that was the view to be taken in all cases, did the committee allow that important legislation on page 3 to be left which authorizes the Postmaster-General to rent premises for the use of post-offices?

Mr. ALLISON. We did not regard that as legislation in any sense. The Postmaster-General now leases a building for a post-office for ten years. It is not worth while for me to say on the authority of the Committee on Appropriations, but it is the judgment of the committee that the provision here on that subject is not in the nature of legislation.

Mr. BECK. I should like to ask the chairman of the committee a question if he will yield to me.

Mr. ALLISON. Certainly.

Mr. BECK. After the concession that he and I and all of us make on this floor that this is good legislation and that if it were in a separate bill we would support it, how are we going to get the House conferees to yield it in the face of such confessions as we are making? Is it not better to meet it here than to meet it there, when we know we shall have to yield it, and our own record will convict us if we insist on resisting it.

Mr. ALLISON. My answer to the Senator from Kentucky is the usual answer with a conference committee, "Sufficient unto the day." When we meet the conferees of the House, if the Senate shall conclude that this provision should go out, we shall meet those gentlemen the best way we can. We have met them upon other propositions in a similar way, and the House has receded from its propositions from time to time at other sessions of Congress.

Mr. President, we have a Committee on Post-Offices and Post-Roads whose duty and business it is to propose changes in our postal laws in the first instance where they are needed, and make such recommendations to the Senate. We are now within twelve days of the close of this Congress, and so far as I have any information this Committee on Post-Offices and Post-Roads up to this hour have not given us any advice upon this subject. They have presented no bill to the Senate which we could vote and act upon on this matter.

It seems to me that if we are to have any rule at all with regard to legislation upon appropriation bills, here is a good place to show our virtue with respect to it, because if we place upon these bills legislation where we are in favor of such legislation, very soon we shall be confronted with the idea that most of the legislation in this Senate as well as elsewhere will be in the first instance presented by the Committee on Appropriations.

For one I do not desire to argue this question, but only to say that if this Senate desires that the Committee on Appropriations shall take into

its control and under its direction all the legislation or practically all the important legislation from session to session let it say so by its vote, and the committee will do the best they can with these subjects; but in the nature of things we can not consider these legislative provisions with the care and scrutiny that a committee charged with the particular subject can do, having leisure and time and opportunity for investigation.

Mr. SAULSBURY. I should like to ask the Senator from Iowa if he understands the rule of the Senate to make it incumbent upon the Appropriations Committee to strike out from the House bill this legislation put there by the House? My understanding of our rule is that we can not amend it, but I do not know that there is any obligation on the Committee on Appropriations to strike out legislation put on by the House which the committee itself deems important legislation.

Mr. ALLISON. Of course the Committee on Appropriations can not strike out this legislation; it can only be done by a vote of the Senate. All the Committee on Appropriations can do is to make its recommendation.

Mr. DAWES. I have been an interested observer of this discussion this afternoon. If there is anything to me which is interesting it is to have some gauge by which I can determine what is the wish of the Senate touching its own rules and its own methods of legislation.

The Committee on Appropriations seem to be the subject of a good deal of discussion from time to time. The Senate will not forget the manner in which they were instructed long before the appropriation bills reached this body. They were told in plain English that they were doing what the Senate has been insisting upon doing itself now that the Committee on Appropriations have determined that they will not do it. I stood up here two days within a week resisting the insertion of independent legislation in an appropriation bill, which legislation itself met my hearty approval. I was compelled to do so by the rules of the Senate and by my own record for consistency, and by a belief that in the end it was wise and would produce the best and healthiest legislation to adhere to the rule that cut out by the vitals most important legislation from an appropriation bill.

The Senate followed the Appropriations Committee in that respect, although I had reason to believe from the sentiment about the Senate that they agreed with me that in the abstract that was excellent legislation; yet in the concrete it was wise to adhere to the rule of the Senate. If now after that appropriation bill has been treated by the Senate under the wisdom and requirement of its rules and stripped of everything but naked appropriations, as it ought to have been, the Senate turns around to-day and forgetful of the rule and looking only at the character of the legislation itself, shall vote to keep it in, I do not know why I should not consider that as instruction to a conference committee to recede altogether. Let the Senate determine what will be its course and make that its rule, and the chairman of the Committee on Appropriations, I give you my word, will hold the Committee on Appropriations to the rule.

Mr. President, it is pretty hard to be called upon to vote against this measure in an appropriation bill; and if it were in a bill by itself I would not vote against it on any account; but I will vote to strike it out of this appropriation bill, because our rules require that appropriation bills shall be free and stripped of independent legislation; and if I do not vote to strike this out, I have no answer to make for the course I pursued here a few days ago. And those who know that heretofore I had advocated strongly legislation which crept into an appropriation bill, and know that two or three days ago I urged the Senate to strike it out, can well call upon me to explain whether I am honest in this position or not.

Mr. CULLOM. Will the Senator allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. CULLOM. As I understand from the Senator and every member of the committee who has expressed himself on this subject, they believe that this legislation is right and proper separate from an appropriation bill, and the only reason why they are not for keeping it here is because of the rule. Now I should like to ask the Senator whether he has any idea that if it is not kept in, this good legislation that we are talking about will be had at all during this session of Congress?

Mr. DAWES. On whom will the responsibility rest if there is no such legislation? There is time enough to-day for the Post-Office Committees of the two branches to awake from their lethargy. There is time enough for the Senate, independent of its Post-Office Committee, to rally to its own duty. It is not necessary for the Senate to save itself through its Appropriations Committee and by violation of its rules. If the Senate or any other branch of this Government has got apprehensive within ten days of the end of the session that it has slept too long, and that its salvation lies only in a violation of all parliamentary law by its Committee on Appropriations, let it settle that with its constituents. I say that I have been ready and I have been anxious that the Committee on Post-Offices and Post-Roads should not lag behind and only wake up when they see an opportunity to turn over into somebody else's bill that which the rules of the Senate and some other branch of this Government require that they should do.

Am I called upon to abandon all the rules of the Senate and of other parliamentary bodies because everybody else in the Senate has got to



that pitch that you can put a pertinent question to me that this is the only way—

Mr. CULLOM. The Senator will allow me to suggest that he will only be following the rules of the Senate as adopted, as I understand, for the last twenty years, because during that time there has been no important legislation in reference to post-office matters that has not been incorporated upon appropriation bills.

Mr. DAWES. Not by the Senate. The Senate had a rule till within six or eight years allowing this very thing to be done, and they found it worked so that they made a rule that they would do so no longer; and the moment they made that rule some other branch of this Government turned around and made a rule that they would do that very thing which they had never done before. The Senate and some other branch of this Government have changed sides in this matter. It is but a few years ago that this could not be done anywhere but in the Senate; and now it can not be done in the Senate and must be done somewhere else, and all the evils pertaining to it are crowding upon our attention every moment. Why do not our friends, so anxious to wake up in the last days of the session, propose to amend the rules so that they can do it according to the rules, or make a rule that they can suspend the rules?

Mr. MILLER, of New York. I desire to ask the Senator a question. He talks about the rules of the Senate preventing this legislation. I have no knowledge of any rule of the Senate that prevents this body from acting upon general legislation fixed in an appropriation bill by the House of Representatives. If he does, I should like to know what it is. Why this harangue about the Post-Office Committee and the other committee being called upon to wake up and do their duty, on the ground that there is no power in this body under its rules to act on general legislation in an appropriation bill when placed there by the House of Representatives? I do not understand that there is any such rule. I hold that in adopting this legislation we are not violating the rules of the Senate at all. The only rule, as I understand it, is that we can not of our own original action put it in.

I understood the chairman of the committee and the Senator from Massachusetts to say that the committee had stricken out of this bill everything which was general legislation. I desire to ask the chairman and also the Senator from Massachusetts what sort of legislation is found in this clause, beginning on line 80:

The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distance from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service.

Is not that new legislation and general legislation?

Mr. PLUMB. According to the instruction the committee have had on this question, that is not general legislation. That is only a direction in regard to the manner in which a particular item of appropriation made for this fiscal year may be spent, and is not a continuous direction at all. Therefore is not general legislation. Its purpose and function is continuous only during the coming fiscal year, and it is not, as I think, obnoxious to the rule.

Mr. MILLER, of New York. I am very glad to have the opinion of the Appropriations Committee on this most important subject, and I hope that the presiding officer of the Senate will concur in the interpretation which they have given to this legislation, because if that is to hold then we can turn over any amount of the money which is appropriated for inland service to the carrying of our foreign mails; we can begin to encourage the establishment of steamship lines to the South American and Mexican ports and to any other foreign ports; and we shall be able under that decision, if it holds, to put any amendment on this bill to that effect that a majority of the Senate may desire to do. I agree fully with the Senator.

Mr. PLUMB. I only want to put this on the proper ground. It is not an invention of anybody, certainly not of the committee. The committee only accept the rule as given to them by the presiding officer of the body. That we understand to have been the ruling in a number of cases, and especially in one which was raised on the Army appropriation bill two years ago, the presiding officer then holding that any direction in regard to the expenditure of the money appropriated by the bill which did not continue longer than the appropriation itself continued, and which was for a service authorized by law, was not general legislation, and was competent.

Mr. HILL. I wish to say, Mr. President, in regard to the reflection of the Senator from Massachusetts upon the Committee on Post-Offices and Post-Roads that there is no foundation in fact for the statement which has been made. That committee has disposed of every bill of any importance that has been before it one way or another, I believe. It has acted upon several of the measures which are proposed in this bill. It has voted in some cases not to report bills embodying the same features. We have repeatedly passed bills in this body and sent them to the other House which they have made part of an appropriation bill. That the Post-Office Committee of the Senate has no control over, but I think the Post-Office Committee has done its duty fully in regard to every measure that has been before it.

Mr. CONGER. If, as the Senator from Massachusetts says, we have any rule which prevents a vote on these propositions and prevents their

being considered by the Senate, the President of the Senate should have applied that rule and ruled them out without the report of the committee at all. If it is subject to the action of the committee, and they may report to have the legislation stricken out and the Senate may vote to strike it out or to keep it, we violate no rule in keeping it in or in striking it out. It must be so.

Now, sir, we find in the bill coming from the House this legislation, which even the committee that moves to strike it out (not being required to do it by any rule of the Senate, except by the general feeling of the Senate that legislation is bad on an appropriation bill) concedes to be good. We have no rule by which the President of the Senate can on a point of order refuse to permit it to remain in the bill. We have no rule which requires the Committee on Appropriations to strike it out or to move to strike it out, or to report to the Senate that it should be stricken out. There is nothing to regulate their conduct either way except the general feeling which the Senate may have against legislation in appropriation bills.

When the Committee on Appropriations report any amendment to this or any other bill, if they have done it in the discharge of their duty, and the Senate may vote upon it, then they are free from any rule except their own judgment. So I feel free when such a proposition is made to vote for retaining the legislation which the House put in, or to vote to strike it out. I know of no rule that can control me in that. I do not agree with the Senator from Massachusetts that we are compelled by some rule to vote contrary to our own judgment when the matter is properly before the Senate and not subject to be ruled out on a point of order.

That is my view of the condition of this question. I am in favor of these propositions which are by the division of the question to be voted upon separately—every one of them. I shall vote in favor, in whatever form the question comes, of retaining them as a part of the bill. I have received petitions, as every Senator has, not only from the publishers of papers in my own State, but from other States all over the country, asking this kind of legislation; and when I have in the strict performance of my duty, and violating no rule of the Senate, the opportunity to vote as my constituents desire me to do, I shall vote that way. I am not to be deterred from expressing my judgment on the propriety of legislation when it is in a bill and can not be ruled out on a point of order; when it is in a bill, and is submitted to me to say whether I approve of that legislation, I am not to be prevented by a mere sentiment that the Senate does not desire to have upon appropriation bills any legislation from giving my vote, if I am free to vote as I choose under the rules, in favor of the legislation, and to keep it in the bill.

Sir, I believe this legislation that is proposed to be stricken out is all good, unless it be the proviso that has been referred to. I am in favor of increasing the weight of the letter under the same postage; especially I am in favor of decreasing the postage on second-class mail matter. I have received from my State scores and scores of letters requesting me as their representative to use my best influence and my votes in favor of that measure. If the rules of the Senate forbid me voting upon that proposition at all, if they forbid me expressing my preference, I am bound by the rules. I regret it, but I shall be bound by them if that is the necessity of the case. But when I am free to say yea or nay on keeping in or striking out legislation which the President of the Senate can not rule out on a point of order, and upon which I am to express my sentiments, I will vote as my judgment and the wishes and interests of my constituents require me to do.

Now one word in regard to the parliamentary situation of these propositions. I understand that while the President of the Senate was not occupying the chair it was proposed to divide these different propositions and vote upon them separately. The motion made by the Senator from New York in regard to one of them was to strike out of this section one of these propositions before we vote upon it all.

In my judgment the motion to strike that out is one way of leaving it in, to be adopted contrary perhaps to what the Senator desires. It seems to me, and I ask therefore the opinion of the President whether the question put in a proper parliamentary way would not be on these several clauses, Will the Senate concur in the recommendation of the committee as to striking out this paragraph? If the Senate non-concur, that remains then as part of the bill, and so of each of the others.

Mr. MILLER, of New York. The Senator will understand me. As I understand the situation by unanimous consent we agreed to do just that thing, to take a vote on each proposition separately.

Mr. CONGER. Yes, but that does not touch the point I am speaking of. We agreed to vote on each of these propositions separately; but if there be a motion to strike out of the section one proposition and it is voted to strike out of the section that one and the others are not stricken out, then only those that are not stricken out can be subject to a motion to agree or disagree. I think that the proper way, and I wish the Chair would state that proposition.

The PRESIDENT *pro tempore*. Although the question is not now presented for action, the Chair has no hesitation in saying that as these phrases are in the body of the bill and the Committee on Appropriations have reported an amendment to strike them all out, so far as they are susceptible of division the question may be taken piecemeal, so to speak, on the separate divisions that are capable of being made. If the Senate refuses to strike them out, they stand as part of the bill and will



be before the Senate accordingly. Whatever the Senate does strike out as in Committee of the Whole will have then been stricken out, and the question will be, when the bill is reported to the Senate, on agreeing to the action of the Senate as in Committee of the Whole striking out such and such parts of the text of the bill. It is in these respects exactly like any other bill.

Mr. CONGER. Yes, Mr. President, but there seems to be a motion to strike out upon a motion to strike out.

The PRESIDENT *pro tempore*. The Chair does not so understand.

Mr. HARRIS. The Senator from Michigan will allow me to say that the occupant of the Chair at the time the question was raised ruled that the amendment reported by the committee was susceptible of division, and that the question could be taken and should be taken, if demanded by any Senator, upon each substantive and distinct proposition contained in the amendment. That was the ruling of the Chair, and the ruling went no further.

Mr. CONGER. I understood that to be the ruling.

The PRESIDENT *pro tempore*. That was the ruling the present occupant of the Chair would have made.

Mr. CONGER. There is pending a motion to strike out one of these propositions.

The PRESIDENT *pro tempore*. There is pending a recommendation of the committee to strike them all out. The question on striking them all out has been divided under the rules of the Senate so as to take the question on the particular, separate, and independent parts of the propositions proposed to be stricken out.

Mr. CONGER. The Chair does not quite understand me. The recommendation of the committee, and therefore the question to be acted on, is the striking out of the whole. The motion of the Senator from New York is to amend that recommendation by striking out a part.

The PRESIDENT *pro tempore*. The Chair does not understand any such motion to have been made. The Senator from New York simply demanded a division of the question on striking all out.

Mr. CONGER. The Chair probably did not understand. The motion was to strike out one clause—

Mr. HARRIS. If the Senator from Michigan will again allow me a single word, the Senator from New York indicated his disposition to make the motion that the Senator from Michigan refers to, when the Chair suggested to him that the question was divisible so far as the amendment reported by the committee contained distinct and substantive propositions, and the then occupant of the chair understood the Senator from New York to acquiesce in that suggestion, and the Senator from Ohio demanded a vote upon each substantive provision.

The PRESIDENT *pro tempore*. The Chair could not have entertained a motion, in the present state of the bill, to strike out a part of that which the committee recommend the striking out of, because that would be a repetition in substance of precisely the same thing. Therefore the matter stands on the recommendation of the committee to strike all out and the demand by the Senator from New York that the question be divided.

Mr. CONGER. That report was made subsequently. Now, may I ask this question: On each of these propositions those who desire it to stand in the bill will vote against striking out, as I understand?

The PRESIDENT *pro tempore*. The Chair so supposes.

Mr. CONGER. That is all I wish to get at, because the other motion would have made it difficult to tell what the result would be.

Mr. WILLIAMS. I want to understand this subject a little better than I do. It strikes me that it is bad policy usually to ingraft general legislation or permanent laws upon an appropriation bill, and we have a rule of the Senate on that subject which governs us and can not govern the House. I do not think it is competent for us to offer amendments to a House bill which embrace permanent legislation upon an appropriation bill.

But if the House, which is independent as we are, sends us an appropriation bill with general legislation pertinent to the subject, germane to it, I do not think it is in violation of our rule for us to vote for that legislation just as it comes from the House. Our rules govern us, but they do not govern the House. Nothing but a joint rule of the two Houses is obligatory on both; and when general legislation comes from the House upon an appropriation bill, which is proper and right and germane to the subject of the bill, I intend to vote for it, feeling that I have not violated any rule of the Senate.

I can not see for my life why we are bound to object to the legislation that comes from the House even if that legislation is ingrafted upon an appropriation bill, for there are exceptions even to the general rule of its being bad policy to put general legislation on appropriation bills. A vast amount of the most important legislation of this country has been upon such bills; and when an appropriation bill comes with proper legislation, germane to the subject for which the appropriation is made, I am prepared to vote for it, our rules to the contrary notwithstanding. They bind us but do not bind the House. Nothing but a joint rule can bind both.

#### LAND TITLES IN NEW MEXICO.

Mr. HILL. I ask the unanimous consent of the Senate to be allowed to offer a resolution at this time.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent to be allowed to offer a resolution at this time. Is there objection?

Mr. ALLISON. Let it be read first.

The PRESIDENT *pro tempore*. It will be read for information, after which the Chair will ask for objection.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the portion of the resolution directing the Secretary of the Interior to furnish to the Senate copies of the reports of F. D. Hobbs and A. R. Green, &c., which passed the Senate February 4, 1885, embracing the following words, "and also copies of all papers on file in the Interior Department relating to this subject," is hereby rescinded.

The PRESIDENT *pro tempore*. Is there objection to this resolution being now received?

Mr. ALLISON. I ask that it go over until to-morrow morning.

The PRESIDENT *pro tempore*. Objection is made to the reception of the resolution. It can not be received.

Mr. ALLISON. No; I do not object to its reception.

The PRESIDENT *pro tempore*. Is there objection to the resolution being received? The Chair hears none. Objection is made to its present consideration. It will be printed and go over.

Mr. HILL. Will the Senator allow me one word of explanation? It is a matter of some importance that the resolution should be adopted at once to save expense. I am informed by the Commissioner of the General Land Office that a compliance with the resolution of the 4th instant will involve the necessity of copying 1,500 pages of papers which I do not deem material, and to save that expense this resolution is offered.

Mr. ALLISON. I withdraw my objection.

The PRESIDENT *pro tempore*. Is there objection to the present consideration? The Chair hears none.

The resolution was considered by unanimous consent, and agreed to.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. MILLER, of California. It appears very probable that the Senate is about to reverse itself on the question of adopting general legislation on appropriation bills. I desire to ask the Senator in charge of this bill, or the chairman of the Committee on Appropriations, whether the committee have given sufficient attention and consideration to the clause which proposes to raise the weight of letters to one ounce to be able to state whether a loss to the revenue derived from letters will be incurred or not?

Mr. PLUMB. We had before us the Postmaster-General and we gave this subject all the consideration we had within the limited time allowed us and arrived at the conclusion, which I stated some time ago to the Senate, that there will be no loss of revenue by reason of the adoption of that provision.

Mr. MILLER, of California. I understand the Senator, then, to state—

Mr. PLUMB. No appreciable loss; probably none at all.

Mr. MILLER, of California. I understood the Senator, then, to state that the expert officers of the Post-Office Department, the Postmaster-General, and the committee are of opinion that there will be no substantial loss in the revenue derived from letter postage by the adoption of this clause. I desire to have that assurance before voting upon this matter. There seems to be a disposition now to retain this legislation in this bill.

A few days ago the Senate could not bear the proposition to do justice to a few obscure individuals for whose benefit there were certain provisions in the Indian appropriation bill; but the case now seems to be very different. Other parties are interested in these provisions who are of higher and greater consideration, and I suppose that the rule will be abandoned in this case. It looks like it. To be consistent I should not object, because the other day I contended very strenuously that certain just and equitable and proper legislation should be retained in an appropriation bill. But it is a little interesting to see the performances of the Senate on this subject.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the first branch of the amendment of the Committee on Appropriations, proposing to strike out the words from line 106 to and including the word "thereof," in line 117.

Mr. HAWLEY. I am not sure that I understand the purpose of this discussion. I thought we were about to say what we liked in this proposed legislation, and then to raise the point of order upon it and strike it all out; and that the Committee on Appropriations would meet the House conferees with the point of order striking it all out, but nevertheless would have the opinion of the Senate as to such legislation as it might yield to. I shall not give up the point of order against legislation.

Mr. MILLER, of New York. What is the point of order? I think the Senator has entirely misconceived the object of this debate.

Mr. HAWLEY. Will the Senator please explain to me whether we are to raise the point of order on this legislation and strike it all out?



Mr. MILLER, of New York. I do not understand that there is any point of order that lies against it. It is impossible to raise any point of order. We must decide by a vote affirmatively or negatively whether this shall stay in or go out. In other words, we are to vote now whether to concur in the amendment of the Committee on Appropriations striking this out. If we disagree, this provision remains in.

Mr. HAWLEY. I see what the Senator is aiming at, but the Committee on Appropriations very properly brings in a bill with black lines drawn across certain portions of it because it is obnoxious to the rule against legislation on an appropriation bill. I shall raise the point of order if nobody else does that this is a change of existing law, and that these paragraphs have no right here under the rule of the Senate. At the same time I am perfectly willing to express my opinion on these different points made here, because I know very well what the result will be, that in cases like this, where the Appropriations Committee and the Senate really believe in the justice of certain legislation, they will not precipitate an extra session on the country for the sake of adherence to our rules. That is just all there is of it.

Mr. CONGER. I ask the Senator under what rule he can raise any point of order against this?

Mr. HAWLEY. That it is general legislation on an appropriation bill.

Mr. CONGER. Is there any Senate rule on that point? The rule is only as to amendments moved in the Senate, not as to a bill that comes from the House.

Mr. HAWLEY. For what reason, then, does the Appropriations Committee report this bill with certain clauses in it marked out that they believe in and would like to have go into the statutes if it were not for the objection to legislation on an appropriation bill?

Mr. CONGER. Because there is a kind of sentiment in the Senate that we are trying to govern the House in accordance with Senate rules, which we have never been able to do yet.

Mr. HAWLEY. I have sufficiently made my point, and now I will express my opinion on these different propositions. I would have confined it to the proposition which the Senator from Ohio desired to have first acted upon except for the fact that everybody talking on this subject has talked on the whole matter. I like that. I like the second except the words in lines 123 and 124, which qualify the reduction of postage on newspapers. It reads now:

That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to bona fide subscribers, or when sent from a news agency to actual subscribers thereto.

I do not like the words "bona fide subscribers," for the reason that I fear they will compel publishers to assort their mails in different bags and different lots. A considerable percentage of the mail sent out from every newspaper office is composed of papers sent to exchanges. I think it possible that under this clause it might be required of the publishers to make separate bags of the papers sent to the exchanges, but if it should be held that the paper sent to a neighboring publisher with whom you exchange is one which is paid for by his paper to you, then that might be considered as a bona fide subscription. But I would just as lief strike that out and make certain of that construction. I should like to know what the Senator from Kansas thinks of that point.

Mr. PLUMB. I wish to say, in the first place, that I hope the Senate will, in justice to itself and in justice to the committee, vote its own sentiments on this bill, and not leave to the Committee on Appropriations or the committee of conference to be held on this bill in all probability the determination of this question. It is not fair to the committee and it is not fair to the Senate that the committee of conference should have the responsibility thrust upon it of saying there shall be an extra session or we will yield to various influences that may be brought to bear upon us by the House conferees in regard to the merits of this proposition.

Mr. HOAR. Allow me to ask the Senator from Kansas how much general legislation have we put on appropriation bills this year?

Mr. PLUMB. Practically none.

Mr. HOAR. Have we not left some?

Mr. PLUMB. We have left one lonesome, solitary provision on the pension appropriation bill, which is the only one I know of of any moment. That was about the presumption of soundness at the time of enlistment.

Mr. HOAR. We legislated last year in that bill about the fees of attorneys.

Mr. PLUMB. That was stricken off this year's bill and that bill is in conference.

Mr. HOAR. I am very desirous for one to vote for the provision reducing the postage on newspapers, and I do not want to be put in the position of opposing that if the Senate is going to leave on these bills other legislation.

Mr. PLUMB. Certainly the Senate itself had better exercise the discretion of what shall go on the bill than a committee of conference. If there is an overwhelming desire here to put it on, they ought to put it on; or if they do not have it on, let them say they will proceed in the exhibition of this Roman virtue even to standing to the extent of having it an instruction to the committee of conference that they are to

resist even at the cost of an extra session of Congress if necessary. The reports of conference committees will come into the Senate when the Senate will not have a quorum probably; it will never be fuller than it is now, and the vote of a handful of the Senate, even if the question were submitted by a conference committee, will not amount to that expression on the part of the Senate which it ought to have on a question which has been the subject of so much discussion and so much decision on the part of the Senate.

Mr. HOAR. On the third page of this bill there is a change of the law in regard to leasing premises for post-offices.

Mr. PLUMB. That might be called legislation by some, and there is a good deal of doubt in regard to it, but the Postmaster-General is doing that thing now, and we only regulate the manner in which he shall exercise the discretion he is now exercising.

Mr. FRYE. That is, you make that law which hitherto was not law.

Mr. PLUMB. No, I am not certain that it is not law now; but at the same time there is no law that directs him to attach certain conditions to these leases, which we here provide that he may. The merit or demerit of that proposition is not in the fact that he may make leases for five years, because he makes them for ten, but it is in the fact that we provide that a certain equipment shall be put into the particular buildings he leases and that he was not in a condition perhaps to insist upon before.

Mr. CONGER. I do not see any prospect of finishing this bill to-night. ["Oh, yes!"]

Several SENATORS. We are ready to vote.

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

The PRESIDING OFFICER. Does the Senator from Michigan make that motion?

Mr. CONGER. If Senators do not expect to finish the bill to-night, it is important that we should have an executive session.

Mr. CULLOM. I hope the Senator will not make that motion until we get through with this amendment. It has been thoroughly discussed and we are ready to vote.

Mr. CONGER. Just about the time we are ready to go into executive session Senators will have gone. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was not agreed to, there being on a division—ayes 13, noes 33.

Mr. CONGER. I think it so important that I shall call for the yeas and nays unless there is some understanding that after disposing of this amendment we shall have an executive session.

Mr. SHERMAN. Let us have it after that.

The PRESIDING OFFICER. Does the Senator call for the yeas and nays?

Mr. CONGER. With the understanding that at half past 5, as some Senator suggests, I shall move to go into executive session, I shall not press the motion now.

The PRESIDING OFFICER. The question is on the first branch of the amendment, to strike out from line 106 to 117.

Mr. SHERMAN. I do not care anything now about the division, finding from the debate that there is a general concurrence in the whole of this clause except the proviso. It will properly expedite matters if I withdraw my demand for a division. ["No!" "No!"] Very well, let us vote separately.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations, to strike out from the words "that upon," in line 106, to the word, "thereof," in line 117.

Mr. VAN WYCK called for the yeas and nays, and they were ordered.

Mr. WILLIAMS. I understand the vote we are now about to take is on agreeing to the amendment reported by the Committee on Appropriations of the Senate. Is that the vote?

The PRESIDING OFFICER. The Senator from Kentucky is right, but the question has been divided. The first vote is, Will the Senate agree to the amendment proposed by the committee from line 106 to line 117?

Mr. WILLIAMS. On that point I wish to state the principle which will govern my vote. The House has sent up a bill which proposes to reduce the postage on all second-class matter. I believe that the Senate is really in favor of that, but it is said we have a rule of the Senate that interferes with our agreeing to the bill of the House. I have been here nearly six years, and I have never known the Senate to have any rule except the rule of courtesy, that rule which governs gentlemen in their intercourse with each other, and I want it distinctly understood that I shall vote against the amendment of our own committee based upon the alleged rule, because they keep the postage as high as it is, and I am in favor of a lower postage.

Mr. MITCHELL. I desire simply to say that while I am in favor of the proposition contained in the bill I shall vote against it because I do not believe in legislation on appropriation bills.

Mr. COCKRELL. As I understand, the question now is on the recommendation of the committee to strike out from line 106 down to line

117—in other words, to strike out the provision which increases the weight of letters to an ounce instead of a half ounce. ["That is it."] I hope and trust the Senate will vote down the proposed amendment of the Committee on Appropriations, and not strike out this legitimate and proper legislation upon this bill, and for the striking out of which there is no rule of the Senate.

Mr. EDMUNDS. Mr. President, I do not know whether this proposed legislation is good or bad. There are two sides to that. As I am charged the next ten days with executing the rules of the Senate I wish to recall to the attention of the Senate the fact that, on two or three recent occasions in respect of important and apparently necessary legislation on appropriation bills, the Senate has held, in harmony with its own rules in respect of its own bills, that it would not accede to legislation proposed by the House on an appropriation bill that was purely legislation, as everybody agrees that this is, and upon the broad ground that I need not restate, for we all understand it now.

I should be glad, as one Senator, to have the Senate preserve a reasonable degree of consistency, and not refuse to amend the pension laws, for instance, the other day where on a former appropriation bill a gross error to say the least of it had been committed, and then on a Post-Office appropriation bill to reverse its action and decide that, because it liked that legislation a little better than it did the other, it would allow it to stay on. We ought to be consistent, and we ought, therefore, to be just, because justice and consistency usually go together.

If the Senate has not courage enough to adhere to one principle, then we ought to know it long enough in advance, so that it may become in every case a question of whether the Senate likes the legislation on an appropriation bill or not. If it thinks it is good legislation, and is, therefore, willing to have it on an appropriation bill, it ought to apply universally and fairly, so that on the legislative and executive and judicial appropriation bill the Committee on the Judiciary can report many amendments that they have presented in the form of separate bills, necessary to the good order and administration of justice as the country goes on, and yet we do not do it for that reason.

Now, why can we not be consistent and either repeal our rules and our practice altogether and say that we will put on to every appropriation bill everything that we think is good and strike off, as we do on all other bills, everything that we think is bad; or adhere consistently to the idea that a general appropriation bill for carrying out the existing laws of the Government and carrying on its operations shall be that thing and nothing more.

I only recall this matter to the attention of the Senate in order that if possible we may preserve our consistency for at least a week at a time.

Mr. BECK. While the Senator from Vermont is on the floor I desire to suggest to him the same difficulty that I did to the chairman of the Committee on Appropriations, and I shall be very glad to hear how we can get out of this difficulty.

I shall be one of the conferees, perhaps, on this bill—I may be at least, having been on the subcommittee in charge of it. I am looking to that possibility. The President of the Senate knows that the House has a right to insert anything that it chooses. It has inserted this. We can not strike it out so as to keep it out. It will come before us again in conference.

Most of the members of the Committee on Appropriations have already confessed that it is legislation which they would be willing to vote for as a separate measure. That is part of the record. That the House knows. That the House conferees understand. Then, with that admission staring us in the face, when we meet in conference, knowing it is good legislation, and admitting that it is, how can we refuse to pass necessary appropriations for the Government and force an extra session, which nearly all of us deplore, by standing up to a rule that we can not control, because we can not prevent the House from inserting legislation there, nor can we prevent their conferees from adhering to it after we admit that the legislation is good? That is the difficulty I have.

Mr. EDMUNDS. That to my unsophisticated mind is no difficulty at all practically. I was once a member of the Committee on Appropriations and I do not know but that I should have been there since, but for the fact that at that time the river and harbor bills went to the Committee on Appropriations, and I committed the gross sin of being opposed to a certain appropriation in it, and I discovered the next Congress that I was no longer a member of the Committee on Appropriations. But on other bills than those for rivers and harbors the Committee on Appropriations then found when the Senate was unwilling to put on an appropriation bill any piece of legislation, either because it thought it was not good, or because it thought that it was better to have it in a separate bill even if good, and the Senate conferees said to the House conferees, "You have a right to put all your bills into an appropriation bill if you want to; we have nothing to do with your rules; you are an absolutely independent body of us; we have no right to criticise your rules—they belong to yourselves—any more than Her Majesty's Government of Great Britain has any right to criticise our rules about the public lands, or anything else; it is none of our business; we are equally independent," and when we told the House conferees, "The Senate is of opinion that this sort of thing ought not to be on this bill" for either

reason, because it was not good of itself as far as we could see, or because we did not wish to have it in an appropriation bill, good or bad, and said to them, "If you wish to take the responsibility of saying that you will not have any appropriations at all to carry on the Government under existing laws, because the Senate is unwilling to agree to something additional that you believe in and we do not—for whatever reason; you take your responsibility; it is your right," they never took it and they never will, because they are patriotic and upright and independent as we are, and they know that they stand in exactly the same attitude that we would stand if our rules authorized us to put separate and independent legislation on an appropriation bill and the House rules did not, and we sent over an amendment of our own and said to the House of Representatives, "We will not have any appropriations unless you will agree to this legislation; your conferees admit that it is probably good legislation, but you will not have it on this bill; if you will not, then we will not have any appropriations at all."

We have always thought that such a position was totally untenable, as it is, and it never was maintained. So that there is no practical difficulty about it at all. If the Senate of the United States is really sincere in saying that it will not put on appropriation bills general legislation that changes permanently the permanent laws of the United States, but will keep them free, so that they can be sent to the President of the United States for his approval of the items within the laws, and not embarrass him by a thousand questions that may be presented if you present one, then there is no difficulty in carrying on your Government without the slightest trouble or friction even between the two Houses of Congress. They are equally independent, and I repeat, if the Senate is sincere in believing that it is vicious to legislate on appropriation bills, and will not give way to the temptation, when something that appears to be good is presented, of agreeing to it, and then stultifying itself, there is no difficulty at all in having an appropriation bill go through in due time and in good order.

The only trouble is that two years have gone by since this Congress assembled, and these various matters of useful legislation that are germane to every appropriation bill, or some one of those bills have not been brought forward as separate measures and brought to their passage, and when we run down to the end of the session and appropriation bills come in then, as they always do at that time, then we are tempted to say, "why here is something good that is germane to this one; let us put it on; and here is something that a majority of us think is good, let us put that on," so as to vitiate the security and safety of legislation that we all, I believe, agree in the Senate ought to be had in respect of keeping bills entirely separate from each other, and having appropriation bills what they purport to be, bills providing for the payment of money out of the Treasury to carry on the regular objects of the various Departments of the Government.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired upon this question with the Senator from Louisiana [Mr. JONAS].

Mr. MANDERSON (when his name was called). I am paired on questions generally with the Senator from Florida [Mr. JONES]. Understanding that he would vote against this amendment I feel privileged to vote. I vote "nay."

The roll-call was concluded.

Mr. FRYE. The Senator from Texas [Mr. COKE] is called out from the Senate for a couple of hours, and I think he understands I am paired with him.

Mr. MAXEY. My colleague [Mr. COKE] would vote "nay" if he were present.

Mr. FRYE. I think he understands that I am paired with him, and therefore I refrain from voting.

Mr. RANSOM. The Senator from Arkansas [Mr. GARLAND] is paired with the Senator from Illinois [Mr. LOGAN].

The result was announced—yeas 18, nays 33; as follows:

YEAS—18.			
Allison,	Edmunds,	Jones of Nevada,	Pike,
Bayard,	Hale,	Lapham,	Platt,
Butler,	Harris,	Mahone,	Wilson.
Dawes,	Hill,	Mitchell,	
Dolph,	Hoar,	Morrill,	
NAYS—33.			
Beck,	Gorman,	Morgan,	Sherman,
Blair,	Hampton,	Palmer,	Slater,
Bowen,	Hawley,	Pendleton,	Vance,
Brown,	Ingalls,	Plumb,	Van Wyck,
Call,	Jackson,	Pugh,	Vest,
Cockrell,	McMillan,	Ransom,	Williams.
Conger,	Manderson,	Sabin,	
Cullom,	Maxey,	Saulsbury,	
George,	Miller of N. Y.,	Sawyer,	
NOT VOTING—25.			
Aldrich,	Fair,	Jones,	Riddleberger,
Camden,	Farley,	Jones of Florida,	Sewell,
Cameron of Pa.,	Frye,	Kenna,	Voorhees,
Cameron of Wis.,	Garland,	Lamar,	Walker.
Chace,	Gibson,	Logan,	
Coke,	Groome,	McPherson,	
Colquitt,	Harrison,	Miller of Cal.,	

So the amendment was rejected.



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

The question being put, there were on a division—ayes 23, noes 26.

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

The yeas and nays were ordered.

Mr. CAMERON, of Wisconsin. I move that the Senate do now adjourn.

Mr. CONGER. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I hope the Senator from Michigan and the Senator from Wisconsin will withdraw their several motions for a little while so that we may go on for a time with this bill. We can have no legislation to-morrow, and it seems to me we ought to finish this bill, or very nearly so, to-night.

Mr. CONGER. I can not state the reasons why we should go into executive session for a few moments to-night, because the rules forbid.

The PRESIDING OFFICER. Debate is not in order on either motion. Does the Senator from Wisconsin withdraw his motion to adjourn?

Mr. CAMERON, of Wisconsin. If the motion to go into executive session shall be withdrawn I am willing to withdraw the motion to adjourn.

The PRESIDING OFFICER. On the motion to go into executive session the yeas and nays have already been ordered.

Mr. HARRISON. And also on the motion to adjourn.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his motion? If not, the question is, Will the Senate adjourn?

Mr. CAMERON, of Wisconsin. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn.

The question is on the motion of the Senator from Michigan that the Senate now proceed to the consideration of executive business, upon which the yeas and nays have been ordered. The roll will be called.

Mr. CAMERON, of Wisconsin. Unless the motion to go into executive session can be withdrawn, I shall renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. CONGER. I thought the first name had been called.

The PRESIDING OFFICER. There had been no response. The question is on the motion of the Senator from Wisconsin that the Senate do now adjourn. [Putting the question.] The yeas appear to have it.

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

The yeas and nays were ordered and taken.

Mr. FRYE. I am paired with the Senator from Texas [Mr. COKE].

The result was announced—yeas 12; nays 38; as follows:

## YEAS—12.

Bayard,	Cameron of Wis.,	Jones of Nevada,	Saulsbury,
Brown,	Cockrell,	McPherson,	Slater,
Call,	Hampton,	Ransom,	Van Wyck.

## NAYS—38.

Allison,	Gorman,	McMillan,	Platt,
Beck,	Harris,	Mahone,	Pugh,
Blair,	Harrison,	Manderson,	Sabin,
Butler,	Hawley,	Maxey,	Sawyer,
Conger,	Hill,	Miller of Cal.,	Sherman,
Cullom,	Hoar,	Miller of N. Y.,	Vest,
Dawes,	Ingalls,	Mitchell,	Williams,
Dolph,	Jackson,	Morrill,	Wilson.
Edmunds,	Lamar,	Palmer,	
George,	Lapham,	Pike,	

## NOT VOTING—26.

Aldrich,	Fair,	Jonas,	Riddleberger,
Bowen,	Farley,	Jones of Florida,	Sewell,
Camden,	Frye,	Kenna,	Vance,
Cameron of Pa.,	Garland,	Logan,	Voorhees,
Chace,	Gibson,	Morgan,	Walker.
Coke,	Groome,	Pendleton,	
Colquitt,	Hale,	Plumb,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Michigan that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I trust the Senator will allow me to make a motion as to the order of business. I move that when—

The PRESIDENT *pro tempore*. Does the Senator from Michigan withdraw his motion?

Mr. CONGER. No, sir, I do not withdraw it.

Mr. SHERMAN. For a moment.

Mr. CONGER. For what purpose?

Mr. SHERMAN. I move that when the Senate adjourn to-day it adjourn to meet at 1 o'clock to-morrow in order to have as much of the day as possible.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that when the Senate adjourn to-day it be to meet at 1 o'clock in the afternoon to-morrow. The question is on agreeing to that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Michigan that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 24, nays 31; as follows:

## YEAS—24.

Bowen,	Dawes,	McMillan,	Morrill,
Brown,	Dolph,	Mahone,	Palmer,
Cameron of Wis.,	Hale,	Manderson,	Platt,
Chace,	Harrison,	Miller of Cal.,	Sabin,
Conger,	Jones of Nevada,	Miller of N. Y.,	Sawyer,
Cullom,	Lapham,	Mitchell,	Sherman.

## NAYS—31.

Allison,	Gorman,	Lamar,	Saulsbury,
Bayard,	Groome,	McPherson,	Slater,
Beck,	Hampton,	Maxey,	Vance,
Blair,	Harris,	Morgan,	Van Wyck,
Butler,	Hawley,	Pike,	Vest,
Call,	Hoar,	Plumb,	Williams,
Cockrell,	Ingalls,	Pugh,	Wilson.
George,	Jackson,	Ransom,	

## NOT VOTING—21.

Aldrich,	Fair,	Jonas,	Sewell,
Camden,	Farley,	Jones of Florida,	Voorhees,
Cameron of Pa.,	Frye,	Kenna,	Walker.
Coke,	Garland,	Logan,	
Colquitt,	Gibson,	Pendleton,	
Edmunds,	Hill,	Riddleberger,	

So the motion was not agreed to.

Mr. CONGER. I move that the Senate adjourn.

Mr. PLUMB. I hope the Senate will not adjourn until we dispose of these amendments.

The PRESIDENT *pro tempore*. Senators will please resume their seats and cease conversation. If the Senator from Michigan will withdraw his motion for a moment the Chair will receive a message from the President of the United States.

Mr. CONGER. Certainly.

[A message, in writing, was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.]

Mr. CONGER. Has intervening business occurred so that I may renew the motion to go into executive session?

The PRESIDENT *pro tempore*. It is in order to make that motion.

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

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of executive business.

[Putting the question.] The yeas appear to have it.

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

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 24; as follows:

## YEAS—29.

Aldrich,	Dawes,	McMillan,	Platt,
Blair,	Dolph,	Mahone,	Sabin,
Bowen,	Edmunds,	Manderson,	Sawyer,
Brown,	Harrison,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Wilson.
Chace,	Hoar,	Mitchell,	
Conger,	Jones of Nevada,	Morrill,	
Cullom,	Lapham,	Palmer,	

## NAYS—24.

Allison,	Gorman,	Jackson,	Ransom,
Bayard,	Groome,	McPherson,	Saulsbury,
Beck,	Hampton,	Maxey,	Slater,
Call,	Harris,	Morgan,	Vance,
Cockrell,	Hawley,	Plumb,	Vest,
George,	Ingalls,	Pugh,	Williams.

## ABSENT—23.

Butler,	Farley,	Jones of Florida,	Riddleberger,
Camden,	Frye,	Kenna,	Sewell,
Cameron of Pa.,	Garland,	Lamar,	Van Wyck,
Coke,	Gibson,	Logan,	Voorhees,
Colquitt,	Hale,	Pendleton,	Walker.
Fair,	Jonas,	Pike,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 20, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

## THE JOURNAL.

The Journal of yesterday was read.

Mr. STEELE. I desire to know what is meant by an entry in the Journal which says that a certain statement in the RECORD shall be made to conform to a statement in the Journal. As I understood the motion of the gentleman from Kentucky [Mr. THOMPSON] it was to reconsider the vote by which the House agreed not to consider the pension bill (S. 2511), and there was nothing said about having the bill withdrawn from the House Calendar. And I understand that it so appeared in the RECORD.

The SPEAKER. The Clerk will read that part of the Journal to

which reference has been made; the Journal of the previous day's proceedings has been sent for.

The Chair understands the House by a yea-and-nay vote refused to consider a bill which came from the Senate and that it went to the House Calendar. Afterward the gentleman from Kentucky [Mr. THOMPSON] entered a motion to reconsider the vote by which the House had refused to consider the bill and it so stands.

Mr. STEELE. But that does not take the bill from the House Calendar.

The SPEAKER. It does not. It is now on the House Calendar, and will remain there unless the vote of the House is reconsidered.

Mr. HERR. I wish to say to the Chair that the House did not by any vote refer the bill to the House Calendar. It was sent there by the Chair. The vote was on the question whether the House would consider the bill.

The SPEAKER. Does the gentleman from Michigan claim that the bill was on the Speaker's table?

Mr. KEIFER. No, sir; it was reported by the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Mr. HERR. The bill having been reported, a motion was made by myself raising the question of consideration. That question was decided in my favor by the House on a yea-and-nay vote; whereupon the Chair sent the bill to the Calendar. There was no motion made about it. It went there by direction of the Chair.

The SPEAKER. Of course a report from a committee, unless some other disposition be made of it, goes to one of the Calendars under the rules of the House.

Mr. KEIFER. I want to say a word about this matter, which is of some importance. The point I make with reference to it is this: that there was no motion, as appears on the Journal, entered by the gentleman from Kentucky [Mr. THOMPSON] to reconsider the vote by which the bill was referred to the House Calendar. No such motion was made. But that gentleman did enter a motion, and the RECORD of yesterday morning shows it, that the House should reconsider the vote by which the House refused to consider the bill when it was reported. It was a privileged report. The Select Committee on Payment of Pensions, Bounty, and Back Pay was authorized by order of the House to report that bill back at any time, which made it privileged, and privileged for consideration. But the House refused to consider it, and the gentleman from Kentucky entered a motion late in the evening to reconsider the vote by which the House refused to consider the bill. I ask, in order that we may get into no confusion hereafter about this matter, that the Clerk shall read exactly what took place and I am authorized to say that the reporter's notes agree with the RECORD and show exactly what did take place.

The SPEAKER. The Chair will call on the Clerk to read what the Journal shows upon this subject, because that is the question now under consideration.

The Clerk read as follows:

Mr. JOHN H. ROGERS, as a privileged question, under authority to report at any time thereon, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, to which was referred the bill of the Senate No. 2511, relating to claim agents and attorneys in pension cases, reported the same without amendment, accompanied by a report in writing thereon.

Mr. KEIFER made the point of order that the said bill, under clause 3 of Rule XXIII, must receive its first consideration in a Committee of the Whole.

The SPEAKER pro tempore overruled the said point of order; that it did not appear that any provision in the said bill either appropriated money out of the Treasury or required such appropriation to be hereafter made; when

Mr. HERR raised the question of consideration; and the same being put, namely, Will the House now consider the said bill? When the yeas and nays were demanded thereon and the same were refused.

Mr. WILLIAM H. HATCH moved to reconsider the vote by which the yeas and nays were refused; which motion was agreed to.

The question recurring on ordering the yeas and nays, and being put, the same were ordered. The question being again put, to wit, Will the House now consider the said bill? It was decided in the negative—yeas 116, nays 136, not voting 73.

So the House refused to consider the said bill at the present time.

Ordered, That the said bill and report be referred to the House Calendar and printed.

Mr. KEIFER. There has never been any controversy about that part of it, Mr. Speaker.

The SPEAKER. Later in the Journal of that day a further entry appears, which the Clerk will read.

The Clerk read as follows:

Mr. THOMPSON, as a privileged question, entered a motion to reconsider the votes by which the House refused to consider the bill of the Senate No. 2511, relating to claim agents and attorneys in pension cases, and referred the same to the House Calendar; which said motion was passed for the present.

Mr. HERR. That last part did not occur here.

Mr. KEIFER. Now, Mr. Speaker, I ask that the portion of the RECORD which contains the proceedings as they occurred, in exact accordance with the reporter's notes and with the recollection of gentlemen all around me, shall be read in order to show what did actually take place.

The SPEAKER. The Clerk will read the portion of the RECORD indicated.

The Clerk read as follows:

Mr. REED, of Maine. I move that the House do now adjourn.

Mr. THOMPSON. I rise to a question of the highest privilege.

The SPEAKER pro tempore. The gentleman from Maine moves that the House

do now adjourn, pending which the gentleman from Kentucky states that he rises to a question of the highest privilege, which he will state.

Mr. THOMPSON. I rise to enter a motion to reconsider a vote taken to-day, which is a question of the highest privilege.

The SPEAKER pro tempore. The Chair will recognize the motion.

Mr. THOMPSON. I enter a motion to reconsider the vote by which the House refused to consider Senate bill No. 2511.

Mr. KEIFER. That would not avail anything if it was done now.

Mr. THOMPSON. I enter the motion, at any rate.

Mr. KEIFER. A motion to reconsider would not bring it up for consideration this evening.

Mr. THOMPSON. I am aware of that fact.

Mr. KEIFER. It would not bring it up for consideration.

The SPEAKER pro tempore. The Chair is hardly called upon to decide what would be the effect of the motion.

Mr. THOMPSON. I enter the motion to reconsider the vote on the bill the number of which I have stated. I refer to the bill of the Senate in relation to claim agents.

The SPEAKER pro tempore. The motion will be entered.

Mr. WILLIS. I move that the House take a recess until to-morrow at 10 o'clock, and will state that if this is done I will move an adjournment before 11 o'clock.

Mr. KEIFER. Mr. Speaker, that includes everything that took place, and you will notice from what was said on each side that there was nothing, and could have been nothing said that related to a reconsideration of the vote, or of the order of the Speaker, by which the bill was referred to the House Calendar. We had some controversy as to what would be the effect of a reconsideration of the vote by which the House had refused to consider the bill.

The SPEAKER. The Chair thinks that the latter part of the entry upon the Journal really amounts to nothing, because the House had not, by any vote, sent the bill to the House Calendar; and that the parliamentary effect of the motion is simply to reconsider the vote by which the House refused to consider the bill.

Mr. KEIFER. With that we are satisfied.

Mr. WARNER, of Ohio. But, Mr. Speaker, I ask where does that leave the bill?

Mr. THOMPSON (to Mr. WARNER, of Ohio). That question will come up later. When the question of reconsideration is passed upon, if the House reconsiders the vote, then the whole case will be laid before the Speaker as to the condition of the bill.

The SPEAKER. The Chair simply gives his interpretation as to the parliamentary effect of the motion made yesterday afternoon.

Mr. WARNER, of Ohio. But I wish to say that my understanding of the motion to reconsider as entered by the gentleman from Kentucky corresponds exactly with the Journal, and it was talked of before the entry was made.

The SPEAKER. Still there was no motion referring the bill to the House Calendar.

Mr. HERR. It could not have occurred.

Mr. VALENTINE. No such words were spoken.

The SPEAKER. Is there objection to approving the Journal? If not, it will be approved as read.

Mr. KEIFER. Before passing from this matter, pardon me a minute. What I object to is not the Journal of this morning but the RECORD of this morning, which undertakes to correct the RECORD of yesterday morning. The suggestion of the gentleman from Ohio [Mr. WARNER] would make it appear there were two motions made, one a motion to reconsider the vote of the House refusing to consider the House bill 2511, and the other a motion to reconsider the vote by which the bill was referred to the House Calendar. We think that should be corrected.

Mr. WARNER, of Ohio. I asked unanimous consent to correct the RECORD so as to make it correspond exactly with the Journal and exactly with what I think took place.

The SPEAKER. The correction will be made.

Mr. WARNER, of Ohio. The correction was ordered yesterday.

The SPEAKER. The Chair thinks there can be no motion to reconsider anything except a vote taken by the House.

Mr. HERR and Mr. VALENTINE. That is right.

HOUSE OF MEETING FOR TO-MORROW.

Mr. DORSHEIMER. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet to-morrow upon the call of the Speaker on the arrival of the procession at the Capitol.

The SPEAKER. The Chair thinks this motion would have to be made by unanimous consent, as it fixes no particular hour at which the House will meet. Is there objection? The Chair hears none. It will be so ordered.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I desire to make a privileged report, which I ask the Clerk to read.

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. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1896, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 20, 22, 23, 24, 43, 48, 51, 52, 62, 63, and 64.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 49, 50, 53, 54, 55, 56, 57, 58, 60, 61, and 65, and agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For salary of envoy extraordinary and minister plenipotentiary to Turkey, \$10,000.

"For salary of envoy extraordinary and minister plenipotentiary to the United States of Colombia, \$7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$319,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$48,880;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And provided further, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000;" and the Senate agree to the same.

JAS. N. BURNES,

R. W. TOWNSHEND,

W. D. WASHBURN,

Managers on the part of the House.

W. B. ALLISON,

EUGENE HALE,

JAS. B. BECK,

Managers on the part of the Senate.

Mr. HOLMAN. Very little information is furnished by the conference report. I ask that the accompanying statement of the House conferees be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, submit the following written statement in explanation of the conference report herewith presented.

Aside from certain verbal changes in the text of the bill and the manner of its arrangement, the bill as agreed upon by the conferees compared with the bill as it passed the House presents the following changes:

The salary of the minister to Turkey is increased from \$7,500 to \$10,000. A minister-resident and consul-general is provided for at \$6,500 to Roumania, Servia, and Greece.

Five thousand dollars are provided for extending the commerce of the United States in the Congo Valley.

The salary of the secretary of legation in Turkey is increased from \$1,500 to \$1,800.

An interpreter at \$1,000 is provided for to the legation in Corea.

Five thousand dollars are appropriated for the expenses that may occur in complying with the act regulating fees and the practice in extradition cases.

For rent of buildings for legation and other purposes in China \$3,100 are given.

The salaries of the consuls-general at Constantinople and Rome are increased from \$2,000 to \$3,000 each.

The salary of the consul at Hankow is increased from \$1,500 to \$3,500.

The salary of the consul at Jerusalem is increased from \$1,500 to \$2,000.

For salaries of interpreters to consulates in China and Japan \$12,000, instead of \$10,000, are given.

One thousand dollars are given for interpreters and guards at the consulate in Constantinople.

The allowance for a steam-launch for the official use of the legation at Constantinople is increased from \$500 to \$1,000, and \$500 are given for hire of a boat for use of the consul at Osaka and Higo.

For the expense of a prison and prison-keeper at the consulate in Bangkok, Siam, \$1,000 are given.

For relief and protection of American seamen in foreign countries an increase of \$10,000 is given.

Five thousand dollars are appropriated for a preliminary search of the records of the French prize courts for evidence touching the French spoliation claims.

Twenty-five thousand dollars are appropriated to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service and to extend the commercial and other interests of the United States.

The entire bill as agreed upon appropriates in all \$1,242,925, being \$73,340 more than the amount of the bill as it passed the House; \$23,535 more than the law for the current year; \$48,100 less than as it passed the Senate; and \$380,251.75 less than the estimates submitted by the State Department for the year ending June 30, 1886.

JAMES N. BURNES,

R. W. TOWNSHEND,

W. D. WASHBURN,

Managers on the part of the House.

Mr. BURNES. I move the previous question on the adoption of the conference report.

The previous question was ordered; and under the operation thereof the report was adopted.

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

The latter motion was agreed to.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

Mr. WOLFORD. I call up the motion to reconsider the vote by which House bill 7655, to increase the pension of the widow of Major Thornburgh, was rejected.

The SPEAKER. The gentleman from Kentucky [Mr. WOLFORD], as a privileged matter, calls up the motion to reconsider the vote by which the House refused to pass the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

Mr. WARNER, of Ohio. I will inquire whether that is in order at this time.

The SPEAKER. It is.

Mr. HEWITT, of Alabama. I move to lay the motion to reconsider on the table.

The question being taken on the motion of Mr. HEWITT, of Alabama, there were—ayes 54, noes 93.

Mr. WARNER, of Ohio. It was agreed unanimously—

The SPEAKER. The Chair has not announced the result of the vote.

Mr. WARNER, of Ohio. I rise to a point of order. When this bill was considered in the House last Friday evening it was agreed unanimously that there should be a vote upon it by yeas and nays. I think the RECORD will show that.

The SPEAKER. Was that agreement made in Committee of the Whole?

Mr. WARNER, of Ohio. In the House.

The SPEAKER. An agreement among members may bind them individually, but unless there was an order of the House the Chair can not recognize any agreement.

Mr. WARNER, of Ohio. An order to that effect was entered, I understand. It was to be entered, and I ask whether it was not?

The SPEAKER. The gentleman claims that an order was made that the yeas and nays should be taken—on what?

Mr. WARNER, of Ohio. On the passage of the bill.

The SPEAKER. The Chair will announce the result of the vote just taken. The yeas are 54, the noes 93. So the motion to reconsider is not laid on the table.

Mr. MILLS. What is now the condition of the bill?

The SPEAKER. The motion to lay on the table is not agreed to.

Mr. MILLS. What is the present condition of the bill?

The SPEAKER. The House by a vote has refused to pass the bill. The gentleman from Kentucky entered a motion to reconsider that vote. This morning he called that up.

Mr. WARNER, of Ohio. It is now subject to amendment.

The SPEAKER. There is nothing now pending except the motion to reconsider the vote.

Mr. RANDALL. Let me correct the Chair. The gentleman from Illinois [Mr. SPRINGER] who voted with the majority moved to reconsider.

The SPEAKER. The Chair supposed the gentleman from Kentucky made the motion. The gentleman from Kentucky calls it up, as he has a right to do under the rule. The question now recurs on the motion of Mr. SPRINGER to reconsider the vote by which the House refused to pass the bill. The House will be in order, as it is impossible for the Chair to hear what gentlemen are saying on the floor.

Mr. HEWITT, of Alabama. I rise to debate—[Cries of "Order!"]

The SPEAKER. The previous question has been ordered, and the question of reconsideration is not debatable. The question is on the motion to reconsider the vote by which the bill was rejected.

The motion was agreed to.

The SPEAKER. The question now recurs on the passage of the bill.

Mr. WOLFORD. I demand the previous question on the passage of the bill.

The House divided; and there were—ayes 96, noes 42.

So the previous question was ordered.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. There being no debate before the previous question, is it not debatable under the new rule for thirty minutes?

Mr. RANDALL. It was debated in the Committee of the Whole House on the Private Calendar, and therefore does not come under the special rule.

Mr. WOLFORD. I move to reconsider the vote by which the previous question was ordered; and also move the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WARNER, of Ohio, rose. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. Let me have five minutes.

Mr. KEIFER. I make the point that debate is not in order.

Mr. RANDALL. I rise to a point of order. This bill was discussed at some length in the Committee of the Whole House on the Private Calendar on Friday night last. Under that state of facts I submit to the House it does not come under the special rule.

The SPEAKER. The Chair will examine the RECORD.

Mr. RANDALL. The previous question having been ordered on that evening, it does not come under the special rule.

The SPEAKER. The Chair will cause to be read from page 1660 of the CONGRESSIONAL RECORD what occurred in Committee of the Whole House in reference to this bill, which, perhaps, will amount to an agreement among members as to the proceedings of the House.

The Clerk read as follows:

Mr. RANDALL. The gentleman from Ohio has made a suggestion that the friends of this measure will agree to, that the previous question prevail in the engrossment and third reading of the bill, and that there be allowed on each side five minutes for debate.

Mr. WARNER, of Ohio. I have no objection to that.

Mr. PERKINS. And that the vote shall not be taken until a quorum is present.

Mr. WARNER, of Ohio. That is the understanding.

Mr. ROGERS, of Arkansas. Can the House be bound by any agreement made in Committee of the Whole?



Mr. RANDALL. This agreement can be made after the committee rises to-night in the House.

Mr. CONVERSE. And made a matter of record on the Journal.

Mr. PERKINS. Let me ask if any agreement made in this manner in Committee of the Whole will have any binding effect upon the House?

The CHAIRMAN. The gentleman from Arkansas has just made the same inquiry. It is suggested that the agreement be made in the House when it comes before the House after the committee rises.

Mr. WARNER, of Ohio. That is satisfactory to me.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass and with the understanding above recorded.

Mr. RANDALL. That takes it out of the special rule.

Mr. KEIFER. That agreement should be carried out.

The SPEAKER. The Chair thinks that agreement should be adhered to.

Mr. RANDALL. It will be

Mr. HEWITT, of Alabama. I thought I was recognized. The bill comes from my committee.

The SPEAKER. There will be five minutes on each side for debate.

Mr. HEWITT, of Alabama. I am opposed to the bill.

The SPEAKER. There will be five minutes for and against the bill.

Mr. WARNER, of Ohio. I made the point in the House and it was agreed I should have five minutes.

The SPEAKER. The Chair recognized the gentleman from Ohio because the agreement in regard to the debate seems from the RECORD to have been made by that gentleman.

Mr. WARNER, of Ohio. This is a bill to increase the pension of the widow of Major Thornburgh from \$25, to which she is entitled under the law and which she now draws, to \$50 a month. If the House passes this bill, then I hold it should increase the pension of the widow of every major, of every lieutenant-colonel, of every colonel, of every brigadier-general, and of every major-general who was killed in battle in any war, to \$50 a month.

Further still, why draw the line at the rank of major? Why give their widows \$50, while the widows of captains and lieutenants are allowed but \$22 or \$17? Or why stop there? There are 75,000 widows of private soldiers, who were killed in battle or died from disease or wounds incurred in the service, who are receiving but \$8 a month. There are 75,000 more claims of widows on file waiting adjudication, asking even for \$8 per month, which has not yet been allowed them. Passing these all by, it is proposed in this bill to make an exception in one case out of a large number of cases probably just as worthy, just as meritorious as this. In my notion of things this is not right, it is not equitable, it is unjust to all who are equally deserving and equally entitled to the beneficence of the Government.

And I do not believe, Mr. Speaker, that we can do this without breaking down all principles upon which pensions are granted. It is establishing a new and unwarranted precedent. Can this Government say to the widow of one officer who was killed in some battle, "You shall have a pension of \$50 a month," and to the widow of another officer of the same rank who was killed in another battle or perhaps in the same battle, "You shall have a pension of but \$25 a month?" I do not think, sir, that we can afford to do that. But if this bill passes we do that very thing, unless all widows of officers are granted like pensions. By the passage of this bill, I say the House will be taking that position. It becomes, therefore, a precedent entirely new, and one which will vex Congress in future.

There are some 7,500 pensioners on the rolls drawing \$25 a month. I do not know how many are the widows of officers who would be as justly entitled to \$50 as the widow of Major Thornburgh. Is it possible that because an officer was educated at West Point his widow becomes entitled to more than the widow of a volunteer officer? That Major Thornburgh was a brave and gallant officer none will dispute. But there were other officers who lost their lives on battlefields who were just as true and worthy as he, and whose widows are as needy and are as much entitled to the consideration of this Government as is the widow of Major Thornburgh.

I appeal to the House to do equal justice to all; not to take up one case from the top of the pension-roll and raise that higher, while we leave the great majority of pensioners—the 75,000 widows of private soldiers, many of them killed in battle while bravely doing their part—to draw but \$8 a month, out of which they must support and educate their families. The average pension to disabled soldiers is but about \$4 a month. The place to begin to raise pensions is from the bottom ranks, not from the top. Begin with the widows who get but \$8 a month, not with those who get \$25; and then treat all alike. The essence of justice is equality. I have entered my protest against the passage of all bills of this kind. I would not, with my view of pensions, be consistent if I did not.

Mr. HEWITT, of Alabama. Will the gentleman let me ask him a question?

Mr. WARNER, of Ohio. Very good.

Mr. HEWITT, of Alabama. I wish to ask the gentleman if the House has not refused to increase the pension of Mrs. Cushing?

Mr. RANDALL. Yes; and it did very wrong in so refusing.

Mr. WARNER, of Ohio. And it has refused to grant pensions to other widows of officers of like rank in the Army and Navy.

I yield now the remainder of the time to the gentleman from Kansas [Mr. MORRILL], if he desires to occupy it.

The SPEAKER. The gentleman has one minute of his time remaining.

Mr. MORRILL. I desire to say, Mr. Speaker, that this is simply establishing a precedent never established before. Hundreds of officers of the rank of major, lieutenant-colonel, and colonel fell while leading their regiments in battle, but their widows are allowed only from \$25 to \$30 a month. Here was a man who was educated at the expense of the Government, who for thirteen years was drawing a liberal salary, and, happening to be killed on an Indian raid, they now propose to increase his widow's pension from \$25 to \$50, and all the time the widows of the hundred thousand soldiers who perished on the battlefields or in the hospitals are receiving but \$8 a month.

Mr. WARNER, of Ohio. And let me add in this connection that this is a report adversely from the committee.

Mr. MORRILL. The committees of the House and the Senate both report adversely upon it.

Mr. WOLFORD. The gentleman is entirely mistaken. The House committee did not report adversely upon the bill.

Mr. HEWITT, of Alabama. The House committee did.

Mr. WOLFORD. I will not yield to you now. I state facts, and I want my own time in this discussion. I repeat they did not report adversely but favorably upon the bill. The only change was that the amount was reduced from \$50 to \$30. That was the exact report of the House committee.

Everybody admits, as has been admitted by the distinguished gentleman from Ohio [Mr. WARNER], that this is an exceptional case.

Mr. WARNER, of Ohio. Yes, very exceptional, it seems you are trying to make it.

Mr. WOLFORD. Everybody admits who has read the history of the gallant Thornburgh, a man who was sent out on a dangerous expedition with fewer men than were requisite for protection, and who gave up his life in the discharge of his duty—I repeat everybody admits that this pension should be granted to his widow. There is no man who has read the history of his gallant efforts in behalf of his country who will doubt that he made one of the most daring, chivalrous, and gallant charges that has ever been made on this earth, and no person who has examined into this case with proper care will doubt that it is one demanding consideration at our hands.

But the gentleman from Ohio comes up here and says that this man who went as a mere boy into the Army of the United States, who went out on the plains to fight the Indians, who fell beneath his glorious colors distinguished for his gallantry, who won faster than any other man in the United States service distinction and rank, who at his own request went into the line of the regular Army instead of into the Quartermaster's Department—I say that everybody who has read that history, who has read Sherman's report or read Schofield's report or the reports of General Crook, must see that this man has accomplished more great things, brave, noble, manly, ambitious as he was, and that he had a prominent future before him, with rank and honors waiting him at no distant day. But what do you see here? The gentleman from Ohio says that you do injustice to the private soldiers because you recognize the gallantry of this man. Does anybody believe that our fathers thought the time would ever come, or will it ever come in this country's history, when the widow of a private soldier expects to receive the same pension that a gallant officer's widow does?

Mr. HOLMAN. I hope so. Why not?

Mr. WOLFORD. They did not do as much. The order of God Almighty is that he who has done much shall receive much. [Applause.] That is the rule which will be observed at the great day of accounts when we shall all stand before the great White Throne. Then those who have done much good shall receive much. Major Thornburgh did much. He did more than any other man could have done unless he was placed in the same situation. God Almighty placed him in that situation, and he died a martyr for his country. I say you will spend millions of dollars to educate the children of the Indians who murdered him, but you will not educate the great Thornburgh's children. You will give money to educate the children of the red man, the man who scalped him and murdered him, but you will not give money to educate Thornburgh's children.

And I want to call the attention of the House to the fact that no one of these special pleaders has ever introduced a bill to increase the pension of the widows of the privates.

Mr. MATSON. I beg the gentleman's pardon; he is mistaken. I have myself introduced and reported a bill to increase the pensions of the widows of private soldiers from \$8 to \$12 a month.

Mr. WOLFORD. I can not yield for interruptions.

The SPEAKER. The time of the gentleman from Kentucky [Mr. WOLFORD] has expired.

Mr. MATSON. I move to recommit the bill with the instructions which I send to the desk.

The Clerk read as follows:

Recommit the bill to the Committee on Pensions, with instructions to inquire into the question whether a general bill to increase the pensions of the widows of all officers and soldiers killed in battle to \$50 a month shall be reported by said committee.

Mr. VALENTINE. I make the point of order that that is an instruction to convert a private bill into a general bill, which is not in order.



The SPEAKER. The Chair thinks the point of order is well taken.  
Mr. MATSON. Then I move to recommit the bill without instructions.

The question being taken on the motion to recommit, there were—  
ayes 80, noes 104.

Mr. MATSON and Mr. HEWITT, of Alabama, called for the yeas and nays.

The yeas and nays were ordered, 52 members voting therefor.

The question was taken; and there were—yeas 119, nays 126, not voting 79; as follows:

## YEAS—119.

Adams, G. E.	Davidson,	Houseman,	Rogers, J. H.
Alexander,	Davis, G. R.	Howey,	Rosecrans,
Anderson,	Davis, L. H.	Jones, B. W.	Rowell,
Bagley,	Deuster,	Jones, J. H.	Seymour,
Ballentine,	Dockery,	Jones, J. K.	Shively,
Barksdale,	Dorsheimer,	Lanham,	Skinner, T. G.
Belmont,	Dowd,	Long,	Smalls,
Bennett,	Dunn,	Lovering,	Steele,
Blackburn,	Eaton,	Lowry,	Stevens,
Blount,	Eldredge,	McMillin,	Stockslager,
Bowen,	English,	Matson,	Taylor, J. M.
Buckner,	Ermentrout,	Maybury,	Thomas,
Burnes,	Forney,	Miller, J. F.	Tully,
Cabell,	Funston,	Miller, S. H.	Turner, H. G.
Campbell, Felix	Fyan,	Mills,	Turner, Oscar
Campbell, J. M.	Geddes,	Money,	Van Alstyne,
Candler,	Gibson,	Morrill,	Vance,
Cannon,	Graves,	Moulton,	Van Eaton,
Carleton,	Green,	Muldrow,	Warner, A. J.
Clements,	Halsell,	Muller,	Warner, Richard
Cobb,	Hammond,	Mutchler,	Wellborn,
Cook,	Hancock,	Oates,	Weller,
Cosgrove,	Hardeman,	O'Ferrall,	Williams,
Covington,	Hatch, H. H.	Peel,	Williams,
Cox, S. S.	Hatch, W. H.	Perkins,	Willis,
Cox, W. R.	Hemphill,	Peters,	Winans, E. B.
Crisp,	Hewitt, G. W.	Pierce,	Winans, John
Culbertson, D. B.	Hitt,	Price,	Wise, G. D.
Culbertson, W. W.	Hoblitzell,	Pryor,	Yaple.
Cullen,	Holman,	Reid, J. W.	

## NAYS—126.

Aiken,	Fiedler,	Libbey,	Singleton,
Arnot,	Findlay,	Lyman,	Skinner, C. R.
Atkinson,	Finerty,	McAdoo,	Smith, H. Y.
Barbour,	Follett,	McComas,	Spooner,
Barr,	George,	McCormick,	Stephenson,
Bayne,	Glascok,	Millard,	Stewart, J. W.
Beach,	Goff,	Morse,	Stone,
Bingham,	Guenther,	Murphy,	Strait,
Bisbee,	Hanback,	Murray,	Sumner, D. H.
Boyle,	Hardy,	Nelson,	Swope,
Brainerd,	Harmer,	Ochiltree,	Talbot,
Bratton,	Hart,	O'Hara,	Taylor, J. D.
Brewer, J. H.	Haynes,	O'Neill, Charles	Tillman,
Brown, W. W.	Henderson, T. J.	O'Neill, J. J.	Valentine,
Budd,	Hepburn,	Paige,	Wadsworth,
Burleigh,	Hewitt, A. S.	Parker,	Wait,
Caldwell,	Hiscock,	Patton,	Wakefield,
Clardy,	Holmes,	Payne,	Wallace,
Converse,	Hopkins,	Payson,	Washburn,
Craig,	Horr,	Pettibone,	Weaver,
Curtin,	Houk,	Phelps,	White, J. D.
Dargan,	Hunt,	Poland,	White, Milo
Davis, R. T.	Jeffords,	Post,	Whiting,
Dibble,	Johnson,	Pusey,	Wilson, James
Dibrell,	Kean,	Randall,	Wilson, W. L.
Dixon,	Kelley,	Ranney,	Wolford,
Dunham,	Ketchum,	Ray, G. W.	Wood,
Elliott,	King,	Ray, Ossian	Worthington,
Ellwood,	Lawrence,	Robertson,	York,
Evans,	Le Fevre,	Rockwell,	Young.
Everhart,	Lewis,	Rogers, W. F.	
		Russell,	

## NOT VOTING—79.

Adams, J. J.	Ferrell,	Lore,	Shaw,
Belford,	Foran,	McCoid,	Slocum,
Blanchard,	Garrison,	Milliken,	Smith, A. Herr
Bland,	Greenleaf,	Mitchell,	Snyder,
Boutelle,	Henderson, D. B.	Morgan,	Spriggs,
Breckinridge,	Henley,	Morrison,	Springer,
Brewer, F. B.	Herbert,	Neece,	Stewart, Charles
Broadhead,	Hill,	Nicholls,	Storm,
Browne, T. M.	Holton,	Nutting,	Struble,
Brumm,	Hooper,	Potter,	Sumner, C. A.
Buchanan,	Hurd,	Rankin,	Taylor, E. B.
Campbell, J. E.	Hutchins,	Reagan,	Thompson,
Cassidy,	James,	Reed, T. B.	Throckmorton,
Chalmers,	Jones, J. T.	Reese,	Townshend,
Clay,	Jordan,	Rice,	Tucker,
Collins,	Kellogg,	Riggs,	Ward,
Connolly,	Kleiner,	Robinson, J. S.	Wemple,
Cutcheon,	Lacey,	Robinson, W. E.	Wise, J. S.
Dingley,	Laird,	Ryan,	Woodward.
Ellis,	Lamb,	Seney,	

So the motion to recommit was not agreed to.

Mr. TALBOTT. I ask unanimous consent to dispense with the reading of the names.

Mr. PAYSON objected, but subsequently withdrew the objection, and it was then renewed by Mr. WELLER.

The Clerk read the names of members voting.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HUED with Mr. RICE.

The following members were announced as paired for this day:

Mr. REESE with Mr. LACY.

Mr. SPRINGER with Mr. CUTCHEON.

Mr. HANBACK with Mr. SNYDER.

Mr. CONNOLLY with Mr. BREWER, of New York.

Mr. NICHOLLS with Mr. HOOPER.

Mr. SUMNER, of California, with Mr. CHALMERS.

Mr. HERBERT with Mr. HOLTON.

Mr. STEWART, of Texas, with Mr. STRUBLE.

Mr. BURLEIGH with Mr. JONES, of Alabama.

The following members were announced as paired on this vote:

Mr. TOWNSEND with Mr. BRUMM.

Mr. HARDEMAN. I desire to say that my colleague, Mr. REESE, is detained at his room by sickness.

The result of the vote was then announced as above stated.

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

The latter motion was agreed to.

The SPEAKER. The question now is, Shall the bill pass?

Mr. WARNER, of Ohio. Considering the vote already taken as a test vote I shall not insist myself on the execution of the order of the House requiring a ye-and-nay vote on the passage of the bill.

The SPEAKER. There was no order of the House as to a ye-and-nay vote on the passage of the bill. It was an agreement simply as to debate, and the question is on the passage of the bill.

The bill was passed.

Mr. WOLFORD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

## MRS. MARIE LOUISE CRAVEN.

Mr. HEWITT, of New York. Mr. Speaker, pursuant to the same arrangement as in the last case, I now call up the bill (S. 1228) to increase the pension of Mrs. Marie Louise Craven.

The SPEAKER. Is there a motion to reconsider?

Mr. HEWITT, of New York. On Friday night last, at the same time when the agreement as to the Thornburgh bill was made, it was arranged that the House should at its next regular session for private bills consider the bill for increasing the pension of Mrs. Marie Louise Craven, and that a ye-and-nay vote should be taken upon it if required.

The SPEAKER. Was the bill reported to the House by the Committee of the Whole?

Mr. HEWITT, of New York. It was, by the same agreement and at the same time as the Thornburgh bill.

The SPEAKER. Then the question is on ordering the bill to be read a third time.

Mr. RANDALL. Let us have it read by title.

The Clerk read the bill by title, as follows:

A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

Mr. MATSON. I desire to call the attention of the gentleman from New York [Mr. HEWITT] to the agreement that was made in relation to debate—that there should be five minutes on each side.

Mr. HEWITT, of New York. That was the understanding. Does the gentleman from Indiana [Mr. MATSON] desire to occupy the five minutes in opposition to the bill?

Mr. MATSON. The gentleman from Alabama [Mr. HEWITT] is, I presume, entitled to the time, as the bill comes from his committee. [After a pause.] I will undertake to control the time.

The SPEAKER. Does the gentleman from Indiana [Mr. MATSON] desire to be heard upon this bill?

Mr. MATSON. I suppose that the gentleman from New York [Mr. HEWITT] desires to be heard in its favor.

Mr. HEWITT, of New York. Mr. Speaker, under the practice of the House I suppose that the first five minutes belongs to the gentleman on the other side.

Mr. MATSON. Mr. Speaker, this is a bill to increase the pension of the widow of Commander Craven, and is very similar in character to the bill which has just passed the House. This is the case of an officer of the rank of commander, below the rank of a general officer. The precedent has been made in this House, and well established, of increasing the pensions of the widows of general officers to \$50 a month. There have been some exceptions to that rule; among the number the bill that has just passed the House; but the general practice has been to limit these increased pensions of \$50 a month to the widows of general officers, and whenever you go beyond that the question is, Can this Government afford to give \$50 a month to the widows of all its soldiers? That is the question.

Mr. WARNER, of Ohio. That is the question.

Mr. MATSON. It is a very plain practical question, Mr. Speaker, and I ask any gentleman who favors this bill to consider how he could resist an application from the widow of a soldier to have her pension increased to \$50 a month when he is willing to increase the pension of the widow of this officer to that amount. How could he refuse? Our pension laws have been made in such a way as to discriminate in relation

to rank. That may have been right, or it may have been wrong; but the laws are fixed, and without some precedent the law itself ought to control in regard to the rate of pension to be allowed to the widows of officers and soldiers. If this House embarks upon this new policy of increasing pensions indiscriminately, there is no telling where it will end.

The effect of it is to legislate for favorites; that is the proposition, to do that for some which you refuse to do for all. Now, if that is right, if gentlemen representing their constituencies here can afford to vote for the constituents of others what they know they can not get for the widows in the communities they represent, let them go ahead. I can not afford to do it; nor do I believe that any gentleman who represents a soldier constituency upon this floor can afford to vote for a bill that will give larger pensions to the constituents of others than he could possibly get for his own.

The SPEAKER. There are two minutes remaining of the time in opposition to the bill.

Mr. MATSON. I reserve the remaining time.

Mr. HEWITT, of New York. The proposition of the gentleman from Indiana is that the law grants pensions in accordance with rank, and that no exceptions should ever be made except by a change in the general law; in other words, that no circumstances can occur to take a pensioner out of the general category fixed by law. But this House has been in the habit of making such exceptions. It made one only the other day in the case of the widow of General George H. Thomas; it made one only two weeks ago in the case of the widow of Lieutenant Greene, a lady who was entitled under the law to a pension of \$25 a month, which was raised to \$50 a month. There are therefore exceptions to the gentleman's rule, and on this very day this House has made, and justly made, an exception in the case of the widow of Lieutenant Thornburgh.

The practice of the House, then, having been established, it only remains for me to bring the case of Mrs. Craven within the rules under which the House acts.

Lieutenant Craven was a commander in the Navy of the United States. At the time of his death he was in command of the ship *Tecumseh*. Admiral Farragut was about to enter the harbor of Mobile with that fleet whose achievements have made his name glorious—Farragut, to whose widow Congress voted a pension of \$2,000 a year. He waited for the *Tecumseh* to arrive from New York before he would attempt to enter the bay of Mobile, and he announces her arrival in this language:

The *Tecumseh*, Commander Craven, arrived on the evening of August 4, and everything being propitious I proceeded to the attack on the following morning, the *Tecumseh* having been given the leading position.

Again Admiral Farragut says:

The attacking fleet steamed steadily up the main ship-channel, the *Tecumseh* firing the first shot at forty-seven minutes past 6 o'clock a. m.

The *Tecumseh* was struck by a torpedo and sunk, carrying down with her nearly all the crew and her gallant commander. This is how he died.

When the monitor *Tecumseh* was sunk at the battle of Mobile Bay her gallant captain, Commander T. A. M. Craven, of the Navy, went down in her. At the moment of the explosion Craven and the pilot, Mr. John Collins, were in the iron tower, or pilot-house, directly over the turret, steering the ship to attack the confederate iron-clad *Tennessee*. Seeing the inevitable fate of the vessel, Craven and the pilot scrambled down into the turret and met at the foot of the iron ladder leading to the top of the turret through a narrow scuttle, the only exit now left for escape from the doomed vessel. At that point Craven drew back in a characteristic way and said, "After you, pilot!" There was nothing after me," relates Mr. Collins, who fortunately escaped to tell the tale of heroism. "When I reached the topmost round of the ladder the vessel seemed to drop from under me."

Finally, when Admiral Farragut announced to the Department that the *Tecumseh* had been lost and that her brave commander had met death like a hero, as he was, the Admiral received the following reply from the Secretary of the Navy:

Great results in war are seldom attained without great risks, and it was not expected that the harbor of Mobile would be secured without disaster. The loss of the gallant Craven and his brave companions, with the *Tecumseh*, by a concealed torpedo, was a casualty which no human foresight could guard.

Now listen! The Secretary continues:

While the nation awards cheerful honors to the living, she will ever hold in grateful remembrance the memory of the gallant dead who periled their lives for their country and died in her cause.

That was the pledge given by the Secretary of the Navy to the gallant Craven who lost his life in the cause of his country—the pledge that that country would provide for his widow and his children. They are now in poverty, and they come here to ask that their pittance of \$30 a month shall be increased to \$50, in accordance with the repeated action of this House in dealing with the families of men by whom heroic deeds have been performed. I appeal to the House to redeem the pledge made by Secretary Welles in the hour of victory when death deprived Mrs. Craven of her heroic husband. Death under such circumstances ought to be equivalent to promotion of the single grade which would have entitled her to the pension proposed in this bill.

Mr. MATSON. I yield the remainder of my time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, the reading of the words "grateful remembrance" recalled to my mind a law in regard to soldiers passed some years ago by Congress. I ask the Clerk to read from the fifteenth

volume of the Statutes at Large a portion of an act approved March 3, 1865.

The Clerk read as follows:

And be it further resolved, That in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employments.

Mr. HEWITT, of New York. Craven is dead.

Mr. HAMMOND. I have had this provision of the law read for the purpose merely of showing how absolutely ridiculous Congress makes itself on the subject of the soldier. There is an advertisement such as is inserted in the daily papers at so much a line. And Congress is making itself quite as ridiculous in granting pensions every day in "exceptional" cases. Every case is "exceptional" because these gentlemen fear to vote against the soldier.

[Here the hammer fell.]

The SPEAKER. The question is on ordering the bill to be read a third time.

Mr. WARNER, of Ohio. Is the bill now open to amendment?

The SPEAKER. It is not. The previous question has been ordered. [Having taken the vote.] The ayes are 60, the noes 92. The noes have it, and the bill is rejected.

Mr. GEORGE D. WISE. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldman;

A bill (S. 1347) for the relief of the sufferers by loss of the Government steamer *J. Don Cameron*;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1031) for the relief of W. C. Marsh.

#### CORRECTION.

The SPEAKER. A mistake having been made in the engrossment of an amendment to a Senate bill, the Chair asks unanimous consent to lay before the House for consideration a resolution which will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill of the Senate No. 229, to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to correct an error of engrossment of the House amendment.

There being no objection, the resolution was considered and adopted.

#### WITHDRAWAL OF PAPERS.

Mr. JOHN S. WISE, by unanimous consent, obtained leave for withdrawal of papers in the case of Phoebe A. Ross.

#### LEAVE OF ABSENCE.

Mr. RAYMOND, by unanimous consent, obtained leave of absence indefinitely, on account of a death in his family.

#### ORDER OF BUSINESS.

Mr. RANDALL. I would like to make a motion that all private business for to-day be dispensed with.

Mr. VALENTINE. Will that affect the hour under the new rule?

Mr. RANDALL. No, sir.

Mr. PETERS. Will it dispense with the session this evening for pension business?

Mr. McMILLIN. I understand that session has already been dispensed with and a session on Monday night substituted.

Mr. PETERS. If it does not interfere with the Friday night session for pension business, I will not object.

The SPEAKER. In the opinion of the Chair it would not affect that session. An order of this kind has not been so construed heretofore.

Mr. McMILLIN. The public business is now in such a condition that I think the motion of the gentleman from Pennsylvania [Mr. RANDALL] is entirely proper, and I shall not oppose it in the interest of private business.

Mr. BROWN, of Pennsylvania. Will the adoption of this motion interfere with the hour under the new rule?

The SPEAKER. It will not.

Mr. HOPKINS. I wish to appeal to my colleague [Mr. RANDALL] to have the unfinished private business which would come up to-day disposed of before making the order which he suggests.



Mr. RANDALL. That might take the whole day.

Mr. HOPKINS. No; the previous question has been ordered.

A MEMBER. What is the bill?

Mr. HOPKINS. The bill for the relief of Captain Bigley.

Mr. KEIFER. That can be taken up some other time.

The SPEAKER. The question is on the motion made by the gentleman from Pennsylvania that private business for to-day be dispensed with.

Mr. DUNHAM. Will that interfere with the evening session for pension business?

The SPEAKER. It does not.

The question being taken, the motion of Mr. RANDALL was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I understand that the House has now dispensed with all private business for to-day except at the evening session.

The SPEAKER. That has been done.

Mr. WILLIS. Now I move that at 10 o'clock to-night the House take a recess until to-morrow morning at 10.

Mr. MORRILL. Say half past 10 o'clock to-night.

The SPEAKER. An order was made this morning, upon the motion of the gentleman from New York [Mr. DORSHEIMER], that when the House adjourns to-day it adjourn to meet upon the call of the Speaker to-morrow. The motion of the gentleman from Kentucky [Mr. WILLIS] would not interfere with that at all, because it does not contemplate an adjournment.

Mr. DORSHEIMER. What is the motion?

The SPEAKER. The gentleman from Kentucky moves the House this evening at 10 o'clock will take a recess until 10 o'clock to-morrow morning.

Mr. VALENTINE. That ought not to be done.

Mr. DORSHEIMER. I wish to say, Mr. Speaker, the employees of the House will be busy taking out the desks to-night, and it will be impossible to have an evening session if we are to carry out the proceedings which have been arranged by the joint committee of the two Houses. I venture to suggest instead of a session this evening a session be held some evening next week.

Mr. WARNER, of Ohio. Say Monday.

Mr. DUNN. I think that order has been made.

The SPEAKER. It was suggested yesterday evening, but was not agreed to.

Mr. DORSHEIMER. If the employees of the House can have possession of this Hall to remove the desks this evening there will be then no inconvenience in taking a recess until to-morrow morning at 10 o'clock; but the members at that time will not have their desks.

Mr. MATSON. The proposition made by the gentleman from New York will not be objected to by anybody, if it were certain a session could be held Monday evening or any other evening next week. There is but one more night necessary, but that night is absolutely necessary to the passage of a number of Senate bills which ought not to be allowed to die and would die unless another night session is given. I apprehend the employees of the House can begin after adjournment and have his work completed before midnight.

A MEMBER. Let them have a sufficient force.

Mr. ANDERSON. I wish to inquire of the gentleman from New York whether in the event that a session were held to-night the employees of the House could not have time enough to remove the desks to-morrow morning? So the question would come between a pension session to-night and a session for rivers and harbors to-morrow.

Mr. DORSHEIMER. I will say in response to the gentleman that the Architect of the Capitol has informed us it is necessary for him to have the entire evening, not only for the purpose of removing the desks, but arranging the platform and rearranging the seats for to-morrow, if this Hall is to be rearranged to give seats for eight hundred people on the floor to-morrow. And the time will not be too long the Architect of the Capitol will have if he can work here at once.

Mr. ANDERSON. Can not we do that to-morrow if we are not to have any session?

Mr. WILLIS. I suggest this is the condition of things: Under the rule of the House we have to-night a session for pensions. That rule can not be dispensed with except by unanimous consent. Unanimous consent has been refused, and the motion I make is not in conflict with any suggestion as to the convenience of the officers for to-night. You can not dispense with the night session, it being the order of the House, except by unanimous consent.

Mr. DORSHEIMER. In answer to the suggestion made by the gentleman from Kentucky I have to say that the arrangement by which to-morrow's proceedings are to be had is in pursuance of a law of Congress, and those arrangements, under full authority from both Houses of Congress made by the joint commission, require this room shall be in possession of the employees of the House this evening.

Mr. MATSON. Unless we have our session for pensions to-night there is probability no session can be had to-night, and therefore I shall be obliged to insist.

Mr. RAY, of New Hampshire. If we have an evening session at 7 and get through at 9, then the employees can have the benefit of an hour or two we should otherwise occupy by taking a recess until 8, as usual.

The SPEAKER. The question now before the House is on the mo-

tion of the gentleman from Kentucky that the House, at 10 o'clock this evening, will take a recess until 10 o'clock to-morrow morning.

Mr. RAY, of New Hampshire. I ask by unanimous consent the evening session shall commence at 7 and close at 9.

Mr. WILSON, of Iowa. The House, by a concurrent resolution, has agreed with the Senate to give up the use of this Hall to-night.

The SPEAKER. There is no order of the House heretofore made in reference to any proceeding to-day; it is only for to-morrow.

Mr. WILSON, of Iowa. Does not the agreement of the Senate provide for removing the seats on this floor?

The SPEAKER. It does; but it does not provide when it shall be done.

Mr. McMILLIN. The motion of the gentleman from New Hampshire will meet every necessity of the case.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent the session this evening shall begin at 7 and close at 9. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. WILLIS. I now, Mr. Speaker, modify my motion to the effect that the House shall take a recess at 9 o'clock to-night to meet at 10 o'clock to-morrow morning.

Mr. VALENTINE. Then if that prevails the House will be in session during the ceremonies at the monument?

Mr. WILLIS. Yes, sir.

Mr. VALENTINE. I trust the motion will not prevail.

The question being taken on the motion of Mr. WILLIS, on a division there were—ayes 59, noes 91.

So the motion was not agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the amendments of the House of Representatives to the resolution of the Senate of July 14, 1884, to print the report of the Senate Committee on Education and Labor and the relations between labor and capital, with accompanying testimony.

Also, that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, the bill (H. R. 3933) to declare forfeited land granted to the Texas Pacific Railroad Company, and for other purposes.

#### ALLEGED FRAUDS IN OFFICIAL-ENVELOPE CONTRACTS.

Mr. BINGHAM. I wish to make a privileged report. Mr. Speaker, I am directed by the Committee on Post-Offices and Post-Roads to report back a resolution of inquiry referred to that committee.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas sundry newspapers in the country published notices during the summer of 1884 concerning alleged great frauds in the supply of official envelopes to the Post-Office Department, whereby many thousands of dollars were lost to the Government:

Resolved, That the Postmaster-General be, and is hereby, requested to communicate to the Committee on the Post-Office and Post-Roads all the facts, with papers or copies thereof, connected with the annulment in August, 1884, of the contract with P. P. Kellogg & Co., of Springfield, Mass., for the supply of official envelopes for the fiscal year ending June 30, 1885; also how the cost of envelopes under the said contract compared with the cost of the same in the contract subsequently made; also whether envelopes inferior to contract requirements were furnished under any other contract than the said one of P. P. Kellogg & Co.; also whether any officer or employee of the Government was at fault in connection with the supply of any such inferior envelopes; and also what action has been taken by the Postmaster-General to protect the interests of the Government in connection with the supply of such inferior envelopes.

Mr. VALENTINE. I think this resolution is scarcely privileged in its present form. If information is sought by the House it would be proper, but this is a request that the Committee on Post-Offices and Post-Roads be informed of these facts.

Mr. BINGHAM. I will change that at the suggestion of the gentleman. This is unanimously requested by the committee.

Mr. VALENTINE. Let the information come to the House and not to the committee.

The SPEAKER. The rule of the House requires all communications from heads of Departments to be addressed to the House itself.

Mr. BINGHAM. I will change that, so it will read:

That the Postmaster-General be, and he is hereby, requested to communicate to the House of Representatives, &c.

Mr. VALENTINE. This should be done. I noticed a day or two ago that a resolution of that kind appeared by the RECORD to have been passed; but I think in all cases they should be made to conform to the rule.

The resolution as modified was agreed to.

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

The latter motion was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER. The hour under the special rule begins at nine minutes past 2 o'clock.

Mr. WILLIS. I wish to ask what is probably in the nature of a parliamentary question. Under the order of the House is there not a session required to-morrow?

The SPEAKER. There is; but it will not begin until the House

shall be called to order by the Speaker after the procession has arrived at the Capitol.

#### CUSTOM-HOUSE LOT, PROVIDENCE, R. I.

Mr. SPOONER. Mr. Speaker, I ask to take up, under the special rule, from the Speaker's table Senate bill 194, to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to convey to the city of Providence, in the State of Rhode Island, for highway purposes, such portion of the old custom-house lot, so called, owned by the United States, situated on the southwest corner of South Main street and Custom avenue, in said city, as may be required for the widening of said South Main street upon the application for such widening now pending in the supreme court of Rhode Island.

SEC. 2. That the Secretary of the Treasury is authorized to agree with the city of Providence upon the amount of compensation to be paid the United States for said land and damages to the building on said lot, and to receive such amount in full payment therefor.

Mr. SPOONER. I desire to move an amendment to the Senate bill by striking out the word "southwest," in the seventh line of the printed bill, and inserting in place thereof "northwesterly." This is to correct a misdescription of the location of the lot in question.

Mr. MILLS. Is the Government to be paid for this land?

Mr. SPOONER. The Government is to be paid.

Mr. MILLS. How is the value to be arrived at?

Mr. SPOONER. By agreement with the Secretary of the Treasury.

Mr. MILLS. What does he know of the value of lands in Rhode Island? Would it not be better that there should be some commissioner appointed to ascertain and report the value of the land?

Mr. SPOONER. I suppose the Secretary of the Treasury could easily ascertain through inquiry of the officers of the United States the value of the property.

Mr. MILLS. It seems to me it would be better to have it ascertained by some person familiar with the value of property in that city.

Mr. WELLER. Let me ask the gentleman from Rhode Island if these lands are not required for the use of the public buildings there now?

Mr. SPOONER. No; not more than this, as stated very fully in the report of the committee: The lot in question is the old custom-house lot, upon which an ancient building now stands about 40 by 40 feet in extent, which building is used now for store-house purposes, the custom-house business being transacted in the new custom-house building erected some twenty or more years ago.

Mr. WELLER. I desire to inquire further of the gentleman if the sale of this lot will not necessitate the buying of other lands to accommodate the public buildings in that locality; and I would like to add also to the question if that is not the purpose of the parties who have this property in hand?

Mr. SPOONER. That is not at all the purpose of this bill, nor of those moving in it. As is well understood, probably, in our Eastern cities, and peculiarly so in Providence, the streets laid out in early days were many of them very crooked and narrow. With the extension of business and the increase of population it has been necessary to widen and straighten a great many of our streets, and the project of widening and straightening this particular street, which is one of the principal streets in the city, has been a consideration for many years.

Proceedings are pending in the supreme court of Rhode Island under the Rhode Island law for the appointment of commissioners and to provide for the straightening and widening of this street. Under the law all of those who are injured or damaged by reason of what is being done, or whose property is damaged by reason of widening or straightening the streets, are compensated by the city, and the amount of such compensation is arrived at in the first instance by commissioners appointed by the supreme court, and if their decision is deemed insufficient or unsatisfactory, by an appeal to the court itself.

It seems to me that the bill is perfectly guarded, and there is no design or intent on the part of the city of Providence to do otherwise than to pay a fair value for the land taken and the damages occasioned. If it is thought better by the House the amount of damages should be ascertained in the same manner as damages to private property by proceedings in court, I will offer a section to that effect; but I do not think it necessary.

The SPEAKER. The time for debate in support of the bill has expired.

Mr. WELLER. I call for the reading of the report in my time in opposition to the bill.

The SPEAKER. The gentleman from Iowa rises to oppose the bill, and asks for the reading of the report in his time.

Mr. SPOONER. I send to the desk the report made by the House committee on identically the same bill which they have reported to the House.

The Clerk read the report (by Mr. HOPKINS, from the Committee on Public Buildings and Grounds), as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2703) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, respectfully report:

That said city of Providence has an application pending in the supreme court

of the State of Rhode Island, under the laws of said State, to enable said city to widen and straighten South Main street, in said city, and thereby to make an improvement demanded by the business interests of that locality.

The "old custom-house lot," so called, belonging to the United States, is situated on the northwesterly corner of said South Main street and Custom avenue, measuring about forty feet on South Main street and about sixty-four feet in depth. The "old custom-house," an ancient brick building, about forty by forty feet in width and depth, and two and one-half stories in height, and now used as a storehouse, stands upon the front portion of said lot, and on the present westerly line of South Main street.

For the purpose of said proposed widening and straightening, a small portion of the front part of said lot is required.

Your committee are of the opinion that the bill sufficiently protects the Government interests involved; and, as the payment of damages to said lot and to the building thereon is provided for in said bill, they recommend the passage thereof.

Mr. WELLER. I am of the opinion there should be objection offered to the consideration of this bill, with the suggestion that it be referred back to the committee, with instructions to make an amendment, creating a commission to appraise this property instead of leaving it to the judgment of the Secretary of the Treasury.

Mr. SPOONER. I hope that will not be done.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WELLER. I object.

Further objections being called for, only three members rose—not a sufficient number.

The SPEAKER. If there be no objection, the amendment proposed by the gentleman from Rhode Island [Mr. SPOONER] will be adopted.

There was no objection.

Mr. WELLER. I now move the bill be recommitted with instructions to report an amendment that a commission be instructed to appraise the property in question.

The question being taken on the motion of Mr. WELLER, it was not agreed to.

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

Mr. SPOONER 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.

#### PUBLIC BUILDING AT READING, PA.

Mr. ERMENROUT. I call up the bill (H. R. 1321) for the erection of a public building at Reading, Pa.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, and other Government offices, at the city of Reading, in the State of Pennsylvania. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$80,000: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ERMENROUT. It has never been my good fortune to have an opportunity to present any claim from the district I have the honor to represent until now; and I therefore beseech a patient hearing while I make a brief statement of the merits of this bill. The city of Reading is in point of population the fortieth city in the United States, and it is the fourth city in Pennsylvania, having a population now of between 55,000 and 60,000 people. During the last four years the average number of buildings constructed annually has been over four hundred. In 1880 there was a registration of 10,000 voters; in 1884 there was a registration of 13,000 voters, which, under the ordinary rules, indicates a population of 60,000.

The city is situated fifty-eight miles from Philadelphia, thirty-six miles from Pottsville, fifty-four miles from Harrisburg, and is the center of a rich manufacturing and agricultural region. It has at its door the anthracite-coal regions of the Schuylkill and of the Lehigh. There are two systems of railroad now running through it, the Pennsylvania Central and the Philadelphia and Reading. Its public business is large. The postal money-order business amounted in the last year at Reading to over \$100,000. The gross income of the post-office was over \$42,000; the net income over \$21,000; the total business of the office to over \$250,000. There is much more to be said in favor of the measure, but in case there are any objections to the measure, I will reserve the balance of my time to answer them.

The SPEAKER. Five minutes are allowed for debate in opposition if any gentleman desires to occupy that time. [After a pause.] Is there objection to the consideration of the bill?

There was no objection.

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

#### PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

Mr. WILSON, of Iowa. I call up for consideration the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.



The bill was read, as follows:

*Be it enacted, etc.,* That the additional sum of \$100,000 is hereby appropriated to erect a post-office, court-room, and internal-revenue building at Council Bluffs, Iowa, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved May 23, 1882, and the limit of cost prescribed in said act is hereby extended.

Mr. STORM. I ask if this bill has not been offered once before?

Mr. ANDERSON. That makes no difference.

Mr. WILSON, of Iowa. It has not been offered since the rule was amended so as to admit of explanations.

The SPEAKER. This bill was called up by another gentleman from Iowa who was recognized on the first day of the operation of the new rule when all these motions were objected to. Afterward the rule was changed.

Mr. STORM. I make the point that no gentleman should be recognized to call up a bill once objected to until all other members have the privilege of calling up bills.

The SPEAKER. The rule does not make any provision as to that.

Mr. WILSON, of Iowa. I yield to my colleague from Iowa [Mr. PUSEY].

Mr. PUSEY. I desire to make a brief statement in reference to this measure. It is recommended by the Secretary of the Treasury that this additional appropriation be made. The Forty-sixth Congress appropriated a sum of money out of which the site was purchased and the excavation was commenced last fall. The superintendent struck quicksand and there was great difficulty in getting a foundation for the building.

We have sunk some \$18,000 in building a proper foundation. We have built the wall up to the grade line of the street, and the Secretary of the Treasury asks this additional appropriation in order to complete this fire-proof building. We have to bring our material for the construction of this building five hundred miles. I settled in that town when we had but two mails a week, brought to us on buckboards, and I think there is something due to the people that go out on our frontiers and build up towns and cities, and thus change the postal service from a burden upon the Government into a source of revenue. The revenue of the post office there is now between \$35,000 and \$40,000; we have a circuit court and a district court; the town is an important business center, and I do not think there is a single gentleman on this floor who will object to the additional appropriation that is asked. [Cries of "Vote!" "Vote!"]

Mr. WARNER, of Ohio. I wish to ask the gentleman what amount has already been appropriated for that building.

Mr. PUSEY. One hundred thousand dollars.

Mr. WARNER, of Ohio. And this is \$100,000 more?

Mr. PUSEY. Yes, sir.

Mr. WARNER, of Ohio. I will offer an amendment to reduce the sum. I will not make objection to the consideration of the bill, but I ask the gentleman from Iowa [Mr. PUSEY] to accept the amendment which I send to the Clerk's desk to be read in my time.

The Clerk read as follows:

Add the following:

"And no plan shall be approved which will involve the expenditure for site and building complete, including the approaches, of any sum greater than the limits herein fixed."

Mr. WARNER, of Ohio. This amendment expressly prohibits the Secretary of the Treasury from accepting or approving any plan for this building which will involve a larger expenditure than the amount fixed in the bill.

Mr. PUSEY. I accept the amendment.

The SPEAKER. The gentleman from Iowa [Mr. PUSEY] states that he will accept the amendment. Is there objection to the consideration of this bill? [After a pause.] If not, the amendment will be adopted and the bill ordered to be engrossed and read a third time.

Mr. WARNER, of Ohio. Mr. Speaker, I offer another amendment.

The SPEAKER. The bill has been ordered to its third reading.

Mr. WARNER, of Ohio. Mr. Speaker, I understand that under the rule a bill is open to amendment after debate.

The SPEAKER. This bill has been ordered to its third reading. The gentleman may move to reconsider, if he desires.

Mr. WARNER, of Ohio. I think the amount ought to be reduced. Several MEMBERS. No, no!

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. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. TILLMAN. Mr. Speaker, I call up from the Speaker's table the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The bill was read, as follows:

*Be it enacted, etc.,* That Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, late copartners in the business of commission merchants and bonded warehousemen in the city of New York, be permitted to sue in the Court of Claims; which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of the seizure, detention, and closing up of the commission houses and bonded warehouses

of said copartners, for the breaking up and interruption of their said business, and for the seizure and detention of the property, books, and papers in and connected with said business, by Joshua F. Bailey, collector of internal revenue for the fourth internal-revenue district of said State, or by said Bailey and other internal-revenue officers. The United States shall appear to defend against said suit, and either party may appeal to the Supreme Court as in ordinary cases against the United States in said court, and said suit may be maintained, any statute of limitation to the contrary notwithstanding.

Mr. TILLMAN. The House Committee on Claims approve this bill, which has passed the Senate. In the last Congress the Committee on Claims in each House reported favorably upon a bill similar to this; but there was no opportunity to take it up in either body. As a member of the Committee on Claims, after thoroughly investigating the facts connected with this case, I have, in the exercise of my privilege as a member under the rule lately established by the House, called up this bill and asked that it be passed, in order to correct one of the greatest wrongs ever committed, within my knowledge, by any officer or agent of the Government. The parties who suffered this wrong were the members of a firm of merchants in New York city.

Mr. REED, of Maine. What was the date of the transaction?

Mr. TILLMAN. The transaction occurred in the latter part of 1867 and the forepart of 1868.

Mr. REED, of Maine. What was the nature of it?

Mr. TILLMAN. Joseph Cummings & Co. were commission merchants and exporters and importers in the city of New York, engaged in a large whisky and wine business; their sales amounting to over \$3,000,000 a year. It was perhaps on account of the large extent and success of their business operations that they were selected for a "raid" made by an internal-revenue collector named Bailey, in order that he might levy "blackmail." He shut up their warehouse, took charge of their books and papers, and would not permit them to carry on any business whatever.

Mr. PAYSON. Under what pretext?

Mr. TILLMAN. Upon a general charge of fraud without ever making any specification. After a couple of months these partners in trade, finding they could get no relief from Bailey, came to the Treasury Department here and asked whether there were any charges against their firm. They were told there were none. They then asked for an investigation. The Secretary of the Treasury sent an officer of his Department to New York, who, in company with two deputy collectors, made an investigation, and found the books, papers, and goods all right. Yet this man Bailey, persisting in his general charge of fraud, refused to surrender control of the books, papers, and goods belonging to the firm.

After three or four months more these merchants demanded a second investigation, which was had; and every package of goods, whether in the store or bonded warehouse, in either bottles or in wooden vessels, was examined and found to correspond precisely with the books. A report to this effect was made to the Treasury Department. When the goods were finally given up to the merchants six months had elapsed; the business season was over; the price of their goods had fallen, and the firm was ruined. The evidence is convincing that if they had been permitted to export to fill contracts—

A MEMBER. What became of Bailey?

Mr. TILLMAN. Bailey in the mean time took "leg bail."

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. REED, of Maine. I rise to oppose the bill, and yield my time to the gentleman from South Carolina [Mr. TILLMAN]. I desire that he may complete his explanation.

Mr. TILLMAN. I thank the gentleman. The counsel of this business firm advised them that they should first institute proceedings against Bailey, and after getting judgment against him appeal to the Government, from which they hoped to get redress by having recourse to the sureties of Bailey. But Bailey fled. They then waited, by advice of their counsel (Mr. Allen, of the New York bar), in the hope that Bailey would return, and upon a solemn assurance of Bailey's counsel (Mr. Runkle, another member of the New York bar) that he would return. Thus time went on until their right of action was barred by the statute.

This bill merely provides that these parties may go to the Court of Claims and that the Government or the claimant may appeal to the Supreme Court. No appropriation of money is provided in the bill, and if the case should go to the Supreme Court and should there be decided against the Government the case would have to come here for an appropriation, and all the facts and circumstances could then be re-examined here. I assure the House, after a thorough and extensive investigation, that I think the bill ought to be passed.

Mr. FINDLAY. Will the gentleman state why Bailey fled the country?

Mr. TILLMAN. He fled the country because he was a defaulter to the Government to the amount of about \$180,000; and although the Government officers had notice of the monstrous wrong done to these merchants—one of whom died in the poor-house a year or two ago, the other of whom, a man ruined in fortune, is now on a sick bed—although the Government officers had notice of the monstrous wrong done to these merchants and of the rascally conduct of this man toward the Govern-

ment, they compromised with his sureties for \$50,000. The point of law involved is merely the question of notice.

Mr. PAYSON. Has this matter ever been investigated by any committee of either branch of Congress?

Mr. TILLMAN. It has been examined by committees of both branches, and favorable reports made.

Mr. PAYSON. I mean has the proposed plaintiff ever made any application to Congress for direct relief in the form of an appropriation?

Mr. TILLMAN. Never.

Mr. McMILLIN. He never has; and this bill simply gives the right to bring a suit in the Court of Claims.

Mr. PAYSON. I understand that. I did not know but perhaps there might have been some previous application and some adverse report.

Mr. TILLMAN. There has never been any adverse report.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. RAY, of New York. I object.

The SPEAKER. Gentlemen who object to the consideration of this bill will rise. [After a pause.] Only one gentleman rises; and the bill is before the House for consideration.

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

Mr. TILLMAN 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.

#### PUBLIC BUILDING, CLARKSBURG, W. VA.

Mr. GOFF. I call up for present consideration the bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Clarksburg, in the State of West Virginia, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States courts and post-office and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$50,000; and for the purposes herein mentioned the sum of \$50,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided,* That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of West Virginia shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. GOFF. Mr. Speaker, I will not detain the House for any length of time in discussing this matter. For a great many years the courts of the United States have been held at this place, and during all these years they have used the county court-house, the county furnishing the building free to the Government of the United States, and all the necessary expenses connected with heating and lighting the same. The rapid increase of the population of that county, the extension of business, and increase of litigation have been such as to occupy it all the time by the courts of the county until it has become virtually no place where United States courts can be held. Over 300,000 people in the surrounding counties transact their business there. There is no safety to the records. Over fifty years of records, of decrees, of titles to property are kept in a frame building, without security at all. I practice in that court, and my attention has been called to this matter by citizens of Massachusetts, New York, Pennsylvania, and Maryland to the insecurity of these records. This bill has been considered by the committee and unanimously reported, and I do not desire to detain the House further.

Mr. HOLMAN. I wish to make two suggestions to the gentleman from West Virginia. One is that the whole sum should be appropriated by this bill. The provision of the statute which imposes a duty upon the Supervising Architect of the Treasury touching the construction of public buildings does not operate effectually until the whole sum is appropriated.

Mr. GOFF. There is only \$50,000 for the whole amount.

Mr. HOLMAN. Then the whole amount is appropriated by this bill?

Mr. GOFF. Yes, sir.

Mr. HOLMAN. I misunderstood the bill from the reading. Then it is all right.

The other matter is this: Will the gentleman have objection to the limitation imposed in some of the other bills being put upon this—that the site shall first be purchased?

Mr. GOFF. It is there now.

Mr. HOLMAN. Will the gentleman consent to the provision being inserted that the Secretary of the Treasury shall not approve the plan if it involves a larger expenditure than the appropriation?

Mr. GOFF. It says the cost of the lot and building shall not exceed the sum of \$50,000 all told.

Mr. HOLMAN. The House having declined to adopt this provision on one bill, I do not wish to press it now, but I think my friend will find it to his advantage to have this limitation included.

Mr. GOFF. I think it is there already, and I claim nothing more.

Mr. HOLMAN. It will come in the way of a proviso which I ask the Clerk to read.

The Clerk read as follows:

*Provided,* That it shall be the duty of the Secretary of the Treasury after the site for said building shall have been purchased to cause plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and purchase thereof exceeding the portion of said \$50,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. I wish to say that I do not insist on this, but I think it ought to be adopted.

Mr. WARNER, of Ohio. I ask the gentleman from West Virginia to accept it.

Mr. GOFF. Very well; let it be adopted.

Mr. WARNER, of Ohio. How far is the location of this building to the nearest point where a United States court is held?

Mr. GOFF. One hundred and twenty-five miles.

Mr. WARNER, of Ohio. At Parkersburg?

Mr. GOFF. I thought you said district court. It is about one hundred miles.

Mr. McMILLIN. What is the population of this town?

Mr. GOFF. I do not know, and for this reason: The corporate limits of this town, like those of others, do not include the whole population.

Mr. McMILLIN. What about is the population?

Mr. GOFF. Five thousand.

Mr. McMILLIN. Quite small.

Mr. GOFF. The courts are held there.

There was no objection, and 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. GOFF 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.

#### PUBLIC BUILDING, LOUISVILLE, KY.

Mr. WILLIS. I call up for present consideration the bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.

The bill was read, as follows:

*Be it enacted, &c.,* That the act entitled "An act for the erection of a public building at Louisville, Ky.," approved May 25, 1882, be amended by making the limit for said building \$1,000,000, and that sum is hereby fixed as the limit of cost thereof.

SEC. 2. That the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. WILLIS. Mr. Speaker, I have already personally explained this bill to nearly all the members of this House, and I respectfully call their further attention to the facts connected with it. Three years ago Congress passed an act to construct a public building at Louisville, Ky. The site was bought, but the architect declined to go ahead because the amount fixed in the act was as the limit of cost inadequate to the public business of that city. The Secretary of the Treasury, in a communication which I hold in my hand, recommends \$1,500,000, and we are only asking \$1,000,000, which is the amount recommended by the unanimous vote of the Committee on Public Buildings and Grounds. As introductory to some facts which I wish to present I will read the letter of the Secretary of the Treasury and the report of the committee:

#### TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,

Washington, D. C., February 4, 1885.

SIR: I have the honor to inclose herewith a copy of a communication from the Supervising Architect of this Department, recommending that the limit of cost of the proposed public building at Louisville, Ky., be extended to \$1,500,000, and to state that I concur in the recommendation.

Very respectfully,

H. McCULLOCH, Secretary.

To the SPEAKER of the House of Representatives.

#### TREASURY DEPARTMENT,

OFFICE OF THE SUPERVISING ARCHITECT,

February 2, 1885.

SIR: I have the honor to call your attention to the fact that the limit of cost fixed for the proposed public building at Louisville, Ky., is \$500,000. This amount is totally insufficient to provide accommodations for the proper transaction of the public business at this time. In view of the fact that the post-office business has more than doubled in the last ten years, and as the collections for internal revenue for the year ending December 31, 1883, and the quarter ending March 31, 1884, are more than \$10,000,000, and for corresponding dates for 1884 and 1885, will, according to the estimate of the collector, exceed \$15,000,000, I respectfully recommend that to provide for present needs, and to make proper provision for the future growth of the public business in Louisville, the limit of cost for the building be increased to \$1,500,000.

Very respectfully,

M. E. BELL,  
Supervising Architect.

The honorable SECRETARY OF THE TREASURY.

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 4067) to increase the limit of appropriation for the public building at Louisville, Ky., respectfully report:

Upon a full presentation of the facts, the last Congress recognized the propriety and necessity for additional accommodations for the Federal offices at Louisville by the passage of an act for that purpose, which was approved May



25,1882. With the appropriation already made a site for the building has been secured, but no further steps have been taken. The Supervising Architect, being of the opinion that no building adapted to the increased and increasing wants of the Government service at that point can be erected within the present limit, declines from a sense of public duty to make out the plans until Congress has had further opportunity to express its judgment.

Louisville, the metropolis of Kentucky, occupies an area of eighteen square miles. Its population at the census of 1870 was 100,753; its population according to the last census was 123,758. The rapidity of its increase may be seen from the fact that since 1850 its population has trebled, and it now ranks as the sixteenth city of the Union.

But while the size and prospective growth of a city should receive due consideration, the amount of public business should, in the opinion of your committee, be the chief factor in determining the necessity and character of Government buildings to be established.

The ordinary revenues of the United States from all sources for the fiscal year ended June 30, 1883, were \$398,287,581. Of this sum \$359,426,865 were received from customs and internal revenue. In other words, over nine-tenths of all the revenues which are paid to the Government at cities where public buildings are located come from these two sources. The amount of these, therefore (customs and internal revenue), affords a criterion, at least so far as the receipts of public money are concerned, for determining the size and value of the public building to be erected.

#### THE INTERNAL-REVENUE OFFICE.

The collections of internal revenue at Louisville for the fiscal year ended June 30, 1883, were \$7,550,481. The amount collected for the fiscal year 1881 was \$3,489,672. In two years the receipts from this source have more than doubled, and every year hereafter they will continue to increase. By the law of 1878, whiskies are permitted to remain in bond three years before paying the tax. In districts like that of Louisville, where fine whiskies that require age to make them valuable are chiefly manufactured, a large per cent. of the product, since the passage of the law, has been left in bond, and the amount of revenue from this source has thus temporarily been diminished. The last report of the Commissioner of Internal Revenue shows that 28,107,472 taxable gallons of whisky were in bond at Louisville on the 30th June, 1883, which is 23,132,374 gallons more than any district in the country, or more than all the remaining eighty-two districts combined, excluding the Kentucky districts. During the seasons of 1881-'82, comprising one year, over 20,000,000 taxable gallons of spirits were produced in that district, the tax upon which would amount to \$18,000,000 per annum. The amount of internal revenue collectible at Louisville will, therefore, hereafter average over \$12,000,000 per annum.

Upon the last official report of the Department, Louisville, as compared with the other 84 collectors' offices in the United States, ranks fourth in importance, Chicago, Cincinnati, and Peoria being the only cities which exceed it. One-twentieth of all the revenues from this source is collected at Louisville.

There are employed in this district 1 collector, 25 deputy collectors and clerks, 48 gaugers, and 184 storekeepers, making a total of 258 officers. Of these, 140 are on duty at Louisville.

#### CUSTOMS RECEIPTS.

In the custom-house at Louisville there are permanently enrolled 56 vessels, of 17,664.61 tons.

The rapid increase of customs duties may be seen from the following statement, covering a period of five years:

Amount of duties collected—	
During year 1878 .....	\$36,651
During year 1879 .....	44,034
During year 1880 .....	58,788
During year 1881 .....	75,033
During year 1882 .....	
During year 1883 .....	95,119

The increase of business as will be seen, has been more than 100 per cent. The transportation of foreign goods to inland ports without appraisement is destined to revolutionize the methods of collecting revenue in the United States, and the extension of the system renders it necessary for the Government to materially enlarge her interior custom-houses, as the examination and appraisement of imported goods are now performed at the interior ports instead of being made at the seaboard.

#### POSTAL RECEIPTS.

Next in importance to customs and internal revenue is the postal business. The postal receipts at the Louisville office for year ended June 30, 1881, were \$200,000. Of the 50,000 post-offices in the United States, Louisville is the thirteenth city in amount of business and sixteenth in receipts. Of the one hundred and nine free-delivery offices, eighty-two of them do not return one-half as much and sixty-seven of them do not return one-third as much in receipts as the Louisville office, and yet in all of them the buildings in which their business is transacted are, upon an average, fifty times larger and more expensive than the one in Louisville. It has forty carriers and thirty-five postal clerks and route agents. The total employees are ninety-four. The clerical force has more than trebled in twenty-five years.

#### PENSION OFFICE.

The public business of the country embraces not only receipts, but expenditures; of these the pension claims are the largest which affect this question. The pension business, at first transacted by fifty-eight officers, has since been limited to seventeen, and one of these is at Louisville. The following statement shows the amount of business in this direction:

Statement showing amount of business transacted at United States pension agency, Louisville, Ky., for the calendar years ending December 31, 1882, and December 31, 1883.

Year.	Number of payments.	Amount paid.
1882.		
Army pensions.....	24,526	\$1,365,555 30
Examining surgeons.....	101	7,377 15
1883.		
Army pensions.....	26,884	1,623,902 22
Examining surgeons.....	*208	6,965 95

\*No surgeons paid since July, 1883, owing to exhaustion of appropriation for that purpose.

A correct statement according to records of this agency.

R. M. KELLY,  
Pension Agent.

#### UNITED STATES COURTS.

The whole State of Kentucky constitutes one judicial district, in which the district and circuit courts, located at Louisville, transact four-fifths of the busi-

ness. The offices of district attorney and his assistants, of the judges of the district and circuit courts and their clerks, together with the rooms for petit and grand juries, should all be located in the same building, a result which is not now possible.

#### SUMMARY.

The aggregate amount of public business, besides that of the United States circuit and district courts, attended to at Louisville, Ky., would be therefore as follows:

Internal revenue.....	receipts.....	\$7,550,481
Customs.....	do.....	95,119
Post-office.....	do.....	200,000
Pension business.....	expenditures.....	1,630,868
Total.....		9,476,468

In view of these facts, it is the opinion of your committee that the sum of \$500,000 is not sufficient for the erection of a suitable Government building at Louisville. The estimate of the Supervising Architect of the Treasury is the sum of \$1,500,000. But inasmuch as an eligible site has been secured at the extremely low price of \$140,000, your committee recommend that the limit be raised to \$1,000,000. This will leave about \$860,000 available for the erection of the building.

Your committee therefore beg leave to report in favor of the passage of the bill, with the following amendment, namely: Strike out the words "five hundred thousand," in lines 6 and 7 of the first section, so that the limit of cost shall be \$1,000,000.

I might, Mr. Speaker, content myself with the case as presented in these two official reports, but to do so would be less than justice to the city whose claims I am now urging. What I mean to say is that, accepting the statements of the Secretary of the Treasury, the public business of Louisville the present year instead of being \$9,476,468, as stated in the report of the committee, will be \$16,925,987, or, deducting the pension disbursements and confining the public business to the three items, namely, the customs receipts, the internal-revenue receipts, and the post-office receipts, the aggregate amount would be \$15,295,120. How does this city compare with others of equal or greater size and population? I will give the public business of a few of the leading cities of the country. I give as to these cities the three items which constitute nine-tenths of the public business that is transacted:

Philadelphia:	
Post-office receipts.....	\$1,581,791
Internal-revenue receipts.....	2,955,174
Customs receipts.....	12,900,078

Total..... 17,437,043

Cost of public building at Philadelphia, \$6,072,391.

Chicago:	
Post-office receipts.....	\$1,949,180
Internal-revenue receipts.....	8,447,053
Customs receipts.....	3,850,343

Total..... 14,246,576

Cost of public building at Chicago, \$5,873,746.

Cincinnati:	
Post-office receipts.....	\$638,624
Internal-revenue receipts.....	9,826,123
Customs receipts.....	815,956

Total..... 11,280,703

Cost of public building at Cincinnati, \$5,800,000.

Saint Louis:	
Post-office receipts.....	\$843,730
Internal-revenue receipts.....	4,995,427
Customs receipts.....	1,530,902

Total..... 7,370,059

Cost of public building at Saint Louis, \$6,055,000.

Baltimore:	
Post-office receipts.....	\$540,503
Internal-revenue receipts.....	3,155,000
Customs receipts.....	2,306,287

Total..... 6,001,790

Limit to cost of public building and site, \$2,555,000.

Pittsburgh:	
Post-office receipts.....	\$344,859
Internal-revenue receipts.....	1,929,035
Customs receipts.....	488,508

Total..... 2,762,393

Limit of cost of public building at Pittsburgh fixed by present Congress at \$1,500,000.

Detroit:	
Post-office receipts.....	\$314,549
Internal-revenue receipts.....	1,207,549
Customs receipts.....	148,535

Total..... 1,670,595

Limit of cost of public building at Detroit fixed by present Congress, \$900,000.

The public business of Louisville for last year (the year which the preceding calculations cover) is as follows:

Louisville:	
Post-office receipts.....	\$250, 377
Internal-revenue receipts.....	8, 626, 352
Customs receipts.....	119, 829
Total.....	8, 996, 558

But for the present and future years (as the Secretary of Treasury shows in his letter) the internal-revenue receipts will be \$15,000,000. Hence the public business of Louisville will be, as I first stated, for the current year, over fifteen millions. Upon either of these estimates it will be seen that the limit of \$1,000,000 is far, very far, within what the judgment of either this or preceding Congresses has fixed as a proper limit for a public building.

Taking the first and smaller estimate, it will be seen that the port business of Louisville was last year over three times as great as Pittsburgh and over five times as great as Detroit, and yet the pending bill asks you to give it only \$100,000 more than you have given Detroit and \$500,000 less than you have given Pittsburgh. I voted with pleasure for both of these cities, and I refer to them now not in any complaining spirit, but simply to show the very reasonable request that my own district is now making. If this Congress applies the same rule to Louisville as to Detroit and Pittsburgh, it will fix a limit of \$4,500,000 instead of \$1,000,000.

So much for the leading cities of the Union. If time permitted I could show from a tabular statement before me that if the same ratio were observed at Louisville as at six-sevenths of the cities of the United States it would now, averaging the whole list upon the same basis, be entitled to an appropriation of \$125,000,000. This is a startling but an easily demonstrated statement. Can any city in the United States, Mr. Speaker, make out a stronger case than this? The mere statement of the figures is, I submit, a conclusive argument in favor of the bill now before the House.

It should be remembered also that the whole State of Kentucky constitutes but one judicial district, and four-fifths of the business of the Federal courts is transacted at Louisville. Connected with this are the offices of United States district attorney and his assistant, United States marshal and deputies, clerk of circuit and district court, commissioner for the court, &c. One of the seventeen pension agencies of the United States, an agency disbursing many millions of dollars, is also located there. This is not included in the total estimate of public business which I have stated.

The collector's office is there—an office which during the last year collected over \$10,000,000.

Mr. COOK. May I ask the gentleman a question?

Mr. WILLIS. Certainly.

Mr. COOK. Is this amount, \$500,000, to be appropriated in addition to what has been heretofore appropriated?

Mr. WILLIS. Yes, sir; this bill passed the committee in the Forty-sixth Congress when no limit was prescribed. Afterward, after the bill had been acted on in committee, the general clause as to limit was adopted, and without further consideration \$500,000 was inserted as the limit. This is in addition to that amount.

Mr. COOK. That makes \$1,000,000 in all?

Mr. WILLIS. Yes, sir; \$100,000 more than at Detroit. The Secretary of the Treasury recommends \$1,500,000.

Mr. COOK. You spoke of the amount of revenue collected there; how much would that be reduced if the tax was taken off tobacco and whisky?

Mr. WILLIS. We would still be among the leading cities in the Union in point of public business. The gentleman knows that that tax constitutes in Louisville, as it does in Chicago, Cincinnati, Saint Louis, and other large cities, the greater part of the public revenues.

All these matters have been fully considered by the committee and by their unanimous vote this has been recommended. I therefore respectfully ask the vote of the House for it. I will append several statements in further support of this request.

Mr. WARNER, of Ohio. Let me ask the gentleman from Kentucky how much has been expended for the site of this building.

Mr. WILLIS. One hundred and forty thousand dollars.

#### RATE OF GROWTH.

Cities.	1870.	1880.	Increase per cent.
Saint Louis.....	310, 864	350, 518	12. 75
Cincinnati.....	216, 239	255, 139	17. 98
Louisville.....	100, 753	123, 758	22. 83

The growth of Louisville as a city dates substantially from the close of the war. The decade from 1870 to 1880 is the first decade in which Louisville can be said to have fairly embarked in her career as a live and progressive city, and though her great transportation facilities have nearly all been attained since 1880, and her manufacturing development has been more than twice as rapid since that date as it was before, yet the progress from 1870 to 1880 is quite gratifying, and is an earnest of what may be expected during the present decade, with her vastly increased opportunities and abilities.

The growth in population of the three principal cities of the Mississippi and Ohio Valleys from 1870 to 1880, as shown by the United States Census Reports, is as follows:

Louisville leads in growth of population in the race of three cities whose competition is most direct for the trade of the Southern and Southwestern States. Could an enumeration be had to-day it would show this city in a much more favorable light, relatively, than does the census of 1880, for the increase rate of growth since 1880 has been very marked. Persons acquainted with the city's history, and not over sanguine, but practical business men, believe, from experience and observation, that the increase of population for this decade will be fully double that of the last.

#### Bank clearings in leading cities of the United States.

For the years ending—

	Dec. 31, 1879.	Dec. 31, 1880.	Dec. 31, 1881.	Sept. 30, 1882.	Sept. 30, 1883.
New York.....	\$29, 235, 646, 530 00	\$38, 614, 448, 223 00	\$49, 679, 823, 678 00	\$46, 552, 846, 161 34	\$40, 293, 165, 257 65
Boston.....	2, 674, 429, 499 00	3, 326, 343, 166 00	4, 233, 240, 201 00	3, 753, 496, 901 00	3, 540, 980, 659 00
Philadelphia.....	2, 627, 743, 334 00	2, 854, 840, 429 00	2, 716, 828, 851 00	2, 760, 946, 905 49	2, 794, 181, 748 96
Chicago.....	1, 257, 750, 124 00	1, 725, 684, 895 00	2, 252, 261, 407 00	2, 373, 903, 487 00	2, 507, 022, 178 00
Cincinnati.....	574, 624, 104 00	729, 850, 500 00	903, 149, 100 00	971, 900, 000 00	972, 375, 700 00
Saint Louis.....	559, 685, 128 00	711, 459, 489 00	832, 631, 830 00	878, 549, 184 00	874, 272, 698 00
New Orleans.....	388, 878, 043 00	468, 527, 894 00	592, 726, 081 00	484, 615, 412 00	515, 655, 203 00
Baltimore.....	598, 172, 321 00	682, 904, 049 00	734, 617, 211 00	700, 464, 508 35	695, 499, 933 09
San Francisco.....	553, 953, 906 00	486, 725, 954 00	598, 096, 832 00	635, 787, 678 51	615, 618, 573 97
Milwaukee.....	325, 288, 547 00	316, 309, 008 00	359, 885, 130 00	388, 170, 946 06	174, 911, 297 45
Louisville.....	255, 856, 816 00	299, 114, 426 00	398, 085, 835 00	392, 189, 934 00	407, 161, 516 00
Pittsburgh.....	217, 982, 849 00	297, 804, 747 00	389, 170, 370 00	433, 689, 238 82	538, 134, 071 54
Providence.....	155, 328, 100 00	199, 629, 300 00	217, 293, 800 00	178, 044, 500 00	226, 558, 200 00
Kansas City.....	68, 200, 251 00	101, 330, 000 00	134, 931, 300 00	112, 000, 000 00	126, 755, 450 00
Indianapolis.....	64, 169, 990 00	85, 951, 025 00	109, 509, 000 00	116, 481, 767 00	110, 756, 390 00
Cleveland.....	65, 115, 849 00	84, 613, 179 00	108, 113, 648 00	88, 493, 000 00	22, 785, 885 47
Hartford.....					64, 135, 000 61
New Haven.....	38, 075, 930 00	50, 361, 513 00	58, 835, 601 00	43, 693, 882 07	54, 671, 235 45
Memphis.....		48, 858, 302 00	45, 937, 851 00		60, 206, 815 00
Columbus.....	30, 530, 019 00				50, 961, 493 00
Peoria.....					44, 243, 340 00
Worcester.....	25, 417, 258 00	33, 648, 550 00	39, 224, 752 00	42, 769, 666 00	40, 861, 119 29
Springfield.....	25, 582, 512 00	31, 847, 911 00	37, 568, 608 00	41, 450, 006 06	36, 752, 968 36
Lowell.....	15, 483, 387 00	19, 981, 950 00	22, 951, 836 00	21, 929, 316 97	22, 903, 350 99
Syracuse.....	14, 908, 455 00	17, 296, 588 00	19, 110, 241 00		5, 826, 852 00
Saint Joseph.....					
Total.....	39, 333, 216, 952 00	50, 688, 934, 098 00	64, 409, 580, 867 00	61, 054, 353, 584 75	54, 876, 394, 946 83
Outside of New York.....	10, 007, 574, 322 00	12, 074, 485, 875 00	14, 729, 758, 288 00	14, 501, 507, 423 41	14, 583, 229, 689 18

#### UNITED STATES INTERNAL REVENUE.

COLLECTOR'S OFFICE, FIFTH DISTRICT, KENTUCKY, April 11, 1884.

DEAR SIR: In accordance with your request of this date, I give below statement of collections of internal revenue in this district from all sources for the year 1883 and for the first quarter of 1884:

Total collections for year ended December 31, 1883.....	\$8, 249, 809 36
Total collections for quarter ended March 31, 1884.....	2, 019, 948 39

Unless the withdrawals for export are very excessive, I think the collections for corresponding dates for 1884 and 1885 will far exceed the figures given above, and will amount probably to \$15,000,000.

Respectfully,

LEWIS BUCKNER,  
Collector.

WILLIAM A. ROBINSON, Chairman.



## LOUISVILLE CLEARING-HOUSE.

LOUISVILLE, KY., April 17, 1884.

## CLEARING.

1876.....	\$107,349,171
1877.....	114,548,245
1878.....	107,125,874
1879.....	127,830,417
1880.....	149,502,914
1881.....	198,165,502
1882.....	193,662,496
1883.....	214,802,485

CLINTON MCCLARTY,  
Manager.

The clearing for the quarter ending 31st March, 1884, were \$55,977,400.24. If the same proportion of increase is maintained during the year the increase of 1884 over 1883 will be slightly over \$20,000,000.

CLINTON MCCLARTY,  
Manager.

## UNITED STATES POST-OFFICE, Louisville, Ky., April 8, 1884.

MY DEAR SIR: I herewith inclose the last two annual reports of the business of the Louisville post-office, in compliance with your request. I fear, however, that my delay in sending them may cause the reports to fall of their purpose. Your letter found me in the midst of my quarterly accounts, and by some means got buried underneath some papers on my desk, and was thus overlooked for several days. I judge from the tenor of your letter that these are the reports you desire—not the last two quarterly reports. There has been a decrease of nearly 18 per cent. in the sales of stamps, stamped envelopes, and postal cards between the first quarter of 1883 and first quarter of 1884.

Very truly, yours,

E. S. TULEY.

Hon. A. S. WILLIS,  
Washington, D. C.

I sincerely hope you may succeed in getting us not only a handsome, large building, but that the ground extending to Third and Chestnut may also be added to the Government building space. The present post-office building will soon have to have a wing added to it on the south side, as we are now badly cramped for working space.

Business of the Louisville post-office for the year 1883.

[Furnished by Mr. E. S. Tuley, assistant postmaster.]

## RECEIPTS.

Stamp sales.....	\$187,294 06
Stamped envelope sales.....	30,524 20
Request envelope sales.....	33,198 70
Newspaper and periodical sales.....	22,325 74
Postage-due stamp sales.....	2,131 01
Box rents.....	870 80
Waste paper, &c., sales.....	178 32
Collection drafts.....	179 14
Deposits from other post-offices.....	42,551 54
Total.....	\$319,253 51

## DISBURSEMENTS.

Amount deposited with assistant treasurer United States, Cincinnati, Ohio.....	\$207,180 84
Amount paid railway postal clerks.....	31,497 01
Amount paid clerks.....	33,020 00
Amount paid letter-carriers.....	37,679 63
Amount paid postmaster's salary.....	3,525 00
Amount paid letter-carriers' expense account.....	1,502 80
Amount paid expense account (post-office, general expenses).....	1,043 77
Amount mutilated stock, &c., returned to Department.....	1,804 46
Total.....	319,253 51
Net profit to Post-Office Department.....	199,751 63

## MONEY-ORDER DEPARTMENT—RECEIPTS.

To balance December 30, 1882.....	\$1,379 62
To 19,263 domestic orders issued.....	263,016 03
To fees on domestic orders.....	2,299 09
To 1,764 postal notes issued.....	3,955 81
To fees on postal notes.....	52 86
To 97 Canadian orders issued.....	1,733 28
To fees on Canadian orders.....	31 20
To 528 British orders issued.....	8,673 37
To fees on British orders.....	236 80
To 764 German orders issued.....	11,493 87
To fees on German orders.....	208 80
To 97 Swiss orders issued.....	1,868 28
To fees on Swiss orders.....	31 05
To 82 Italian orders issued.....	2,001 80
To fees on Italian orders.....	32 70
To 45 French orders issued.....	826 89
To fees on French orders.....	15 00
To 1 Jamaica order issued.....	3 41
To fee on Jamaica order.....	25
To 4 Belgian orders issued.....	74 26
To fees on Belgian orders.....	1 20
To 261 drafts on postmaster at New York.....	672,000 00
To 7,853 deposits from postmasters.....	846,263 79
To auditor's circulars.....	199 15
Total.....	1,816,398 56

Number of clerks employed in post-office.....	45
Number of carriers employed in post-office.....	43
Number of subcarriers employed in post-office.....	5
Total number employees in 1883.....	93
Total number employees in 1873.....	58
Excess in 1883 over 1873.....	35

## DISBURSEMENTS.

By 110,478 domestic orders paid.....	\$1,774,381 30
By 11,504 postal notes paid.....	22,589 99
By 93 Canadian orders paid.....	1,531 39
By 53 British orders paid.....	883 90
By 172 German orders paid.....	6,109 07
By 18 Swiss orders paid.....	428 39
By 8 Italian orders paid.....	278 03
By 13 French orders paid.....	254 29
By 1 Jamaica order paid.....	15 85
By 3 New Zealand orders paid.....	60 38
By 2 Victoria orders paid.....	29 22
By 166 domestic orders repaid.....	2,524 12
By 3 German orders repaid.....	65 00
By 23 postal notes repaid.....	45 31
By incidental expenses.....	12 00
By amount paid post-office inspector on vouchers.....	337 52
By clerks' salaries.....	4,549 46
By postmaster's commissions.....	375 00
By auditor's circulars.....	51 19
By balance December 31, 1882.....	1,877 15
Total.....	\$1,816,398 56

## REGISTER DEPARTMENT.

Through registered pouches received for city.....	4,163
Through registered pouches in transit.....	4,248
Through registered pouches dispatched.....	4,531
Total number registered pouches handled.....	12,947
Registered cases for Louisville.....	1,294
Registered cases in transit.....	1,456
Total number of cases handled.....	2,750
Registered package envelopes received in pouches and by R. P. O.....	86,834
Registered package envelopes received in pouches and by R. P. O. in transit.....	109,928
Registered package postage-stamps received in pouches and R. P. O. in transit.....	2,712
Registered package stamped envelopes received in pouches and by R. P. O. in transit.....	2,183
Registered package postal cards received in pouches and by R. P. O. in transit.....	1,043
Total number of pieces handled.....	202,760
Registered letters and fourth-class packages received for delivery.....	99,746
Registered letters and fourth-class packages dispatched.....	54,789
Registered package envelopes dispatched.....	49,930
Total number of pieces handled.....	204,465
Total number registered matter handled.....	422,892

## LETTER-CARRIERS' ANNUAL STATEMENT.

Registered letters delivered.....	63,503
Mail letters delivered.....	5,687,176
Drop letters delivered.....	684,279
Mail postal cards delivered.....	1,357,424
Drop postal cards delivered.....	864,246
Papers, &c., delivered.....	2,908,808
Letters collected.....	3,519,682
Postal cards collected.....	1,423,915
Papers, &c., collected.....	591,718
Letters returned to post-office.....	8,446
Local postage.....	\$31,857 82
Number carriers employed.....	43
Stamp sales, 1883.....	\$275,473 71
Stamp sales, 1873.....	131,949 57
Sales in 1883—excess over 1873.....	143,524 14

LOUISVILLE, KY., 11th April, 1884.

DEAR SIR: Mr. W. Robinson called on me to-day for statement of leaf-tobacco business of this market for the year 1883. Being the regular statistician of this market, it affords me great pleasure in complying with your request; am only sorry I did not have more time. As it is I can only give you the business of the warehouses, tobacco sold at public sale for the year 1883, which foots up in round numbers \$7,652,911. This does not include all of our private operators who buy in the country and handle here privately, which would increase at least \$500,000 more for the year 1883. For the first three months of this year we have sold at public sale, as shown by warehouse books, \$2,254,883, and at private sale \$410,000, which shows a large increase over any year. In 1873, ten years back, we sold in this market through the warehouse, at public sale, \$5,883,426; so you can see a large increase. This we predict the largest year, as the crop both in quality and quantity is far ahead of any year.

Friend WILLIS, I will take great pleasure at any time in making you up a complete statement of the leaf-tobacco business, with comparison or any other information I can give you about our coming great city, which is certain, with such men as yourself to represent it. Keep on in the good work, and God bless you.

Your friend,

ARCHIE JOHNSON,  
Secretary Louisville Tobacco Trade.

Hon. A. S. WILLIS, Washington, D. C.

Annual sales of leaf tobacco at Louisville, Ky., from 1851 to 1883.

[Revised by Mr. Falconer, secretary Tobacco Board of Trade.]

For year ending with November—	Hogsheads.
1851.....	11,200
1852.....	23,200
1853.....	16,600
1854.....	10,154
1855.....	11,594
1856.....	14,975
1857.....	9,012
1858.....	18,974
1859.....	18,452

	Hogsheads.
1860	17,505
1861	20,823
1862	23,908
1863	36,717
1864	63,326
1865	44,210
1866	35,927
1867	34,218
1868	29,508
1869	39,419
1870	43,002
1871	48,008
1872	39,182
1873	53,056
1874	70,213
1875	29,224
1876	61,065

For year ending January 1—

1877	56,219
1878	71,080
1879	58,099
1880	65,001
1881	67,408
1882	61,441
1883	88,911

Receipts, sales, and stocks of leaf-tobacco (in hogsheads) in the six principal leaf-tobacco markets of the West.

[From the reports of Col. William H. Chilton.]

Years.	Louisville.	Cincinnati.	St. Louis.	Paducah.	Hopkinsville.	Clarksville.	Total.
RECEIPTS.							
1883	71,866	61,823	10,800	15,261	8,793	18,097	186,640
1882	53,075	50,182	8,859	10,561	8,085	14,732	145,495
1881	54,469	57,197	22,042	9,339	9,416	12,577	166,256
1880	52,609	49,402	14,034	10,444	8,954	16,566	152,009
1879	48,870	34,393	15,523	8,377	7,955	14,489	130,012
1878	60,016	35,203	16,354	19,818	18,408	22,241	180,962
1877	50,532	37,150	19,057	12,772	4,140	11,585	135,239
1876	54,883	32,176	16,091	20,834	10,908	16,737	151,626
SALES.							
1883	88,911	90,595	8,714	14,957	11,331	17,981	232,489
1882	61,440	48,531	7,358	9,999	8,763	14,649	150,740
1881	67,408	48,519	8,842	8,716	10,532	12,475	156,494
1880	65,281	45,797	2,591	10,362	11,246	16,296	151,573
1879	58,035	31,425	5,221	8,474	9,895	14,051	127,101
1878	71,028	37,296	10,972	17,805	16,387	21,605	175,908
1877	76,218	35,268	18,574	12,843	5,604	13,230	141,728
1876	61,352	32,197	12,217	20,987	13,608	14,221	154,581
STOCKS END OF EACH YEAR.							
1883	3,294	11,213	3,597	476	218	798	19,596
1882	4,912	12,155	3,892	177	384	461	21,991
1881	4,882	9,469	6,847	188	797	574	22,207
1880	7,639	3,885	7,835	211	286	569	20,425
1879	13,355	4,324	8,210	272	1,109	851	28,921
1878	13,361	2,935	4,999	1,035	910	888	24,122
1877	6,018	7,888	2,955	208	620	329	17,518
1876	5,806	5,405	845	611	150	2,040	14,937

Mr. WARNER, of Ohio. That will leave about \$850,000 to be applied to the building.

Mr. WILLIS. Yes, sir; \$860,000 exactly.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The question being taken on the amendment of the committee to strike out the words "five hundred thousand," in lines 6 and 7 of the first section of the bill, it 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. WILLIS 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.

#### WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

Mr. KEAN. I ask to take up House joint resolution 197, authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same, and put it upon its passage.

The joint resolution was read, as follows:

Whereas Morristown was occupied for two winters by the Continental Army, and its headquarters was for this long period the home of General Washington, and from time to time the home of many of his most famous generals; and Whereas the Washington Association of New Jersey has from private funds bought, and the State of New Jersey, by annual appropriation of \$2,500, has assisted the association to adorn and keep these headquarters for the use and enjoyment of the people of the United States; and Whereas a wise patriotism suggests that additional grounds should be added to this national memorial, and that certain desirable additions and improvements should be made to this property; and

Whereas it is especially becoming and proper that the soldiers who died in the great cause, and who lie in scattered and unnoted graves in the vicinity, should be gathered into a common and designated resting-place: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized and directed to pay for the purposes named the sum of \$25,000, to be paid to the treasurer of the Washington Association of New Jersey, for the purpose of enlarging and improving the grounds, collections, and buildings of Washington's headquarters at Morristown, N. J., and for the purchase of ground in which to place the remains of Continental soldiers, and to mark the spot with a suitable monument.

Mr. KEAN. Mr. Speaker, as the resolution sets out fully and clearly all of the facts, and the object of the appropriation of \$25,000 which is asked, I will not occupy the time of the House by explaining it further, but will reserve my time to answer any questions that may be made in opposition.

Mr. McMILLIN. Did I correctly hear the bill—there was some confusion here when it was read—that it provides that the Government shall make an appropriation of \$25,000, which is to be paid to some private association in the State of New Jersey?

Mr. KEAN. Yes, sir. This association, I will say, has been chartered by the State for the purpose of keeping up these grounds.

Mr. STORM. Is there a report accompanying this?

Mr. KEAN. Yes, sir.

Mr. McMILLIN. Let the report be read.

The report (by Mr. KEAN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same, beg leave to report it favorably and to recommend its passage.

The resolution gives to a patriotic association which has for years had the premises in charge \$25,000, with which to improve and enlarge the famous Washington's headquarters at Morristown, N. J.

Morristown is the last, though its merits would entitle it to be first, of those spots sacred to Revolutionary memories which have asked the aid of the National Government in the patriotic task of commemoration. Spots memorable as the theater of a single heroic act, or of a single dramatic scene, have all received aid from the national Treasury. Groton has received \$5,000; De Kalb, \$10,000; The Cowpens, \$20,000; Monmouth, \$20,000; Newburg, \$25,000; Saratoga, \$30,000; Bennington, \$40,000; Yorktown, \$100,000; but Morristown, where Washington and his army spent the two long winters of 1776-77 and 1779-80, now ask aid for the first time. It asks it under circumstances which entitle the request to special favor. Congress is asked to complete a work which private munificence and State aid have fostered. Ten years ago citizens of New Jersey contributed \$17,000 and bought the headquarters and the plat of land appurtenant. They repaired the house, filled it with furniture and relics of the times that were past, and gave it to the public of all the States. To assist in its maintenance the State of New Jersey annually contributes \$2,500.

It is now the wish of the association, into which the gentlemen who bought these headquarters have incorporated themselves, to secure \$10,000 with which to pay a mortgage debt now on the property; \$2,000 with which to purchase and add to the collection certain valuable relics and mementoes; \$4,000 with which to buy additional land about the old homestead fitting and necessary for the security and dignity of the place; \$2,000 with which to inclose the grounds with a substantial wall; \$2,000 with which to recover the bodies of officers and soldiers who died during two winters of sickness and exposure, which now lie scattered in the neighborhood, and to reinter them in one cemetery, and \$5,000 to erect in this cemetery a suitable monument or other memorial to mark the graves of those who died one hundred years ago for their country.

These are all proper objects, and the sums appropriated for each, based upon careful estimate, seem to your committee to be fixed with that economy which is more generally displayed when improvements are made with private rather than with public funds.

The committee believe there is no need of argument to induce their fellow-members of Congress to take the committee's view of this matter. Were anything necessary, they would think it would be nothing more than the statement that this roof has sheltered more of the famous men of the Revolution than any other in our land. Generals, statesmen, foreign envoys, and members of the Continental Congress all gathered here to meet the great rebel chief. Here came Hamilton, and Greene, and Knox, and Steuben, and Kosciuszko, and Schuyler, and "Light-Horse Harry" Lee, and "Mad" Anthony Wayne, and Israel Putnam, and Benedict Arnold. Such a spot belongs to the whole country, and should be cherished by it.

Mr. KEAN. I yield now such time as I may have to my colleague.

Mr. PHELPS. Mr. Speaker, this resolution proposes to give \$25,000 to inclose Washington's headquarters at Morristown, in the State of New Jersey, to be expended mainly for two objects.

Mr. COBB. I rise to a question of order. It seems to me the time has expired for debate.

Mr. PHELPS. I understood the report was read in opposition to the proposition.

The SPEAKER. The gentleman from Pennsylvania controlling five minutes in opposition asked for the reading of the report. The gentleman from New Jersey is entitled to the floor.

Mr. PHELPS. This bill asks \$25,000 with which to free from debt and to improve Washington's headquarters at Morristown, and to buy a piece of ground, into which may be gathered from neighboring and unmarked graves hundreds of Revolutionary soldiers who now sleep about it. Yorktown, Bennington, Saratoga, Newburg, and many other spots have properly received aid from the national Treasury. But Morristown has this special merit: It was the scene not of one, but of many incidents. Here Washington's army spent two winters, and under the roof of the old mansion came to visit their great commander nearly all the heroes of the Revolution.

But aside from its national historical value New Jersey asks aid because she as a State and her citizens have already done much.

More than twelve years ago private citizens bought and refitted these



headquarters. They contributed over \$20,000, and ever since the association, which was formed for the purpose, has kept them open as a source of pleasure and instruction to all their countrymen. The State now aids them by contributing annually to the cost of maintenance \$2,500. And this application is now made to the National Government because the citizens and the State of New Jersey have done their part in buying and keeping for the nation this great memorial.

[Here the hammer fell.]

The SPEAKER. The hour under the special rule has expired.

#### ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

#### REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri, by unanimous consent, from the Committee on Agriculture, reported a joint resolution (H. Res. 341) providing for printing the second annual report of the Bureau of Animal Industry for the year 1885; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

#### AGRICULTURAL REPORT FOR 1885.

Mr. HATCH, of Missouri, from the Committee on Agriculture, also reported a joint resolution (H. Res. 342) providing for printing the annual report of the Commissioner of Agriculture for the year 1885, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

#### COMMERCIAL NATIONAL BANK OF CHICAGO.

Mr. BUCKNER, by unanimous consent, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### ORDER OF BUSINESS.

Mr. HUTCHINS. I move to dispense with the morning hour, my object being to proceed to the consideration of the naval appropriation bill.

Mr. STORM. I ask for a division, because that cuts out the hour assigned for reports of private bills.

Mr. RANDALL. It cuts out private bills but promotes the public business.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania [Mr. STORM] that the consideration of private business has already been dispensed with for this day.

Mr. STORM. By what action?

The SPEAKER. By the vote of the House.

The motion to dispense with the morning hour was agreed to (two-thirds voting in favor thereof).

Mr. ROGERS, of New York. I desire to make a privileged report. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution (S. R. 114) to provide for printing the annual report of the Smithsonian Institution.

The SPEAKER. That is not a privileged report.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

#### NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair), and resumed the consideration of the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. At the last sitting of the Committee of the Whole House on the state of the Union in the consideration of the pending bill section 2 was reached. By unanimous consent general debate was postponed until this section should be reached, and by like consent debate was limited to four hours, two in favor of and two against the section. The Clerk will now report the section, after which the general debate will be in order.

Mr. KEIFER. I think the committee will be disposed to dispense with the formal reading of the section.

The CHAIRMAN. Is there objection to dispensing with the reading of the section?

Mr. TALBOTT. I understand it is still open to amendment.

Mr. HUTCHINS. Certainly.

The CHAIRMAN. The first formal reading of the bill has been dispensed with, and it is now being read for amendments. Does the gentleman from Maryland insist on the reading of the second section?

Mr. TALBOTT. I do not.

Mr. THOMAS. I reserved the point of order on this section.

The CHAIRMAN. The Chair so understood.

Mr. THOMAS. And before amendments are offered I want that point of order disposed of.

Mr. HISCOCK. Do I understand the point of order has been reserved?

The CHAIRMAN. The Chair will state the situation. The general debate was postponed till this section should be reached. Had it taken place before the reading of the bill for amendments of course the point of order would have been determined when the section was reached, and the postponement does not interfere with what otherwise would be the regular order. The point of order is reserved, and will be determined after the conclusion of the general debate.

Mr. THOMAS. That is all I want.

The CHAIRMAN. But the Chair is informed by the Clerk there was an amendment pending to the preceding section, which was not disposed of yesterday.

Mr. HUTCHINS. That was an amendment offered by the gentleman from Maryland [Mr. FINDLAY] in relation to the eight-hour law, and I made a point of order on it.

The CHAIRMAN. The Clerk will report the pending amendment, which is an amendment to section 1.

The Clerk read as follows:

After line 415 insert the following:

"Allowance for reduction of wages under the eight-hour law such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics heretofore or at present employed by or on behalf of the Government at the Naval Academy at Annapolis, Md., between the 19th day of May, 1869, the date of the proclamation of the President concerning the pay of laborers, workmen, and mechanics under the eight-hour law, and the date of the passage and approval of this act, to settle and pay for the same without reduction on account of the reduction of the hours of labor, as contemplated by the spirit of the act of Congress approved June 25, 1868, commonly known as the eight-hour law. And the money hereby appropriated and necessary to pay such claims shall be made immediately available, and be disbursed by the Navy paymaster stationed at said Naval Academy under the direction and supervision of the superintendent thereof."

Mr. HUTCHINS. I am compelled to insist on my point of order. This amendment is new legislation, and makes an indefinite appropriation. It may be very meritorious, but it should be in a separate bill.

Mr. FINDLAY. Of course it is only proper to discuss the question which arises on the point of order. It is not proper now to go into the merits of the case, and I shall not depart from the rules of propriety in this discussion.

The point of order, of course, arises upon this much-quoted paragraph 3 of Rule XXI, and, I suppose, arises under the first clause of that paragraph, which reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Now, of course if this amendment provides for an expenditure which has not been previously authorized by law, it is amenable to the point of order. If it does not, it is not so amenable. We must then see what the law is.

If you will refer, Mr. Chairman, to section 3738 of the Revised Statutes, which codified the act of the 25th of June, 1868, you will find as to all laborers, mechanics, and employes in the employ of the United States, when they do a day's work, which is a day of eight hours and no more, this section prescribes in terms that eight hours shall constitute a day's work for the class of persons I have described. The law was dormant until the 19th of May, 1869, when the President of the United States undertook to give it effect by executive proclamation. In that proclamation President Grant, referring to the act and citing the terms of the act I have quoted, said:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date—

The 19th day of May, 1869—

no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor.

Well, sir, on May 18, 1872, there was ingrafted on an appropriation bill an amendment precisely similar in terms, almost *in totidem verbis*, to the one I have sent to the desk. That amendment was adopted, and it required the auditing officers of the Treasury Department of the United States to ascertain the balances due the workmen, mechanics, and laborers of the United States by reason of the fact that they had been working more than the legal day prescribed by the statute, which was eight hours. Under that act of the 15th of May, 1872, the laborers in the employ of the United States received the difference to which they were entitled for a period measured from the date of the original act, the 25th of June, 1868, down to the date of the proclamation of the President, the 19th of May, 1869.

Now, sir, if that is true, with all deference to the distinguished gentleman from New York [Mr. HUTCHINS] who has raised this point of order, "the boot is on the other leg." It is not my amendment that seeks to change existing law. My amendment simply seeks to carry out the law as it is. But if his point of order should be successful he would defeat the law as it is. Now, sir, I have offered this amendment in good faith, believing that it does not change existing law within the meaning of this rule. With all due deference, Mr. Chair-

man, there seems to be a hazy notion about the effect of this Rule XXI. It seems to be taken for granted that if an amendment makes any change of law whatever the rule becomes operative. Not so. The rule becomes operative only by reason of the fact that there is not merely a change of law, but that that change carries with it some appropriation which is not provided for by existing law, or carries with it some increase in expenditures. If these conditions do not concur the rule is not operative. Now, I humbly submit that, in this case, these conditions do not concur, for, while there will be an increase of expenditure there will be no change in existing law—this being an amendment offered in good faith for the purpose of carrying out the law as it is.

Mr. RANDALL. Mr. Chairman, I have grave doubts whether this proposition is germane to the bill, and certainly there is no law now existing in relation to the object sought to be reached, because if there were this amendment would not appear here. In addition to that, the amendment is retroactive in its character. It proposes to provide upon this bill a mode of adjusting claims against the Government under the eight-hour law. I clearly, in my own mind, adjudge this proposition to be subject to the point of order that it is new legislation, and that it does not propose to reduce any expenditure. The proposition in itself may be just and right, and, as a separate measure standing alone, I am free to say to the gentleman from Maryland [Mr. FINDLAY] that I would be in favor of making provision for adjusting these claims, but not here, and not in the manner proposed by his amendment to this bill.

Mr. FINDLAY. Mr. Chairman, that is always the way when anything is to be done to which gentlemen object—it is not to be done in this way or at this time, but in some other way and at some other time—

Mr. RANDALL. Well—

Mr. FINDLAY. And that other time is never; and the consequence is that it is never done. Now, what if this is retroactive? Is there anything in the rule against an amendment being retroactive?

Mr. RANDALL. The gentleman surely admits that the retroactive feature of the amendment must be in the nature of new legislation.

Mr. FINDLAY. But is there anything in the rule which provides that an amendment shall not be retroactive?

Mr. RANDALL. The rule says that no new legislation shall be permitted upon an appropriation bill unless it retrenches expenditures.

Mr. FINDLAY. The rule provides that any amendment is legitimate unless it changes existing law, and at the same time—

Mr. RANDALL. Read the rule.

Mr. FINDLAY. Oh, I have read the rule, and heard it discussed a thousand times.

Mr. RANDALL. You had better read it once more.

#### MESSAGE FROM THE SENATE.

The committee rose informally. A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had returned, in compliance with the request of the House, the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building at the city of Key West, Fla.

The message further informed the House that the Senate had passed with amendments the bill (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

#### NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. FINDLAY. Mr. Chairman, there is a very narrow point involved here, a point that does not permit of any varied or extended discussion. I have already said, and can only repeat, that the vital, essential, fundamental question in this case is: Does this amendment change existing law? For if it does not, it is not within the operation of the rule. Now I say that this amendment does not change existing law, because we already have a law upon our statute-book which provides that eight hours shall constitute a day's work—a law which lay dormant from 1868 until it was revived for a short time by the act of 1872, but which is as much law as any other act upon the statute-book. The object of this amendment is simply to carry out that law and to carry it out now—to do what the gentleman from Pennsylvania [Mr. RANDALL] says ought to be done, but which he is not willing to have done at this time and in this place.

Mr. RANDALL. On this bill—

Mr. FINDLAY. At this time and on this bill, but on some other impossible bill.

Mr. RANDALL. No, sir.

Mr. FINDLAY. On some other occasion that will never arise, then according to the gentleman this ought to be done; and I suppose if possible it will be done.

Mr. RANDALL. Existing law can not be changed on an appropriation bill, unless the provision retrenches expenditures.

The CHAIRMAN. The Chair understands the gentleman from Maryland to hold that this does not change existing law.

Mr. RANDALL. I consider that it does.

Mr. FINDLAY. I would like to hear an argument on that—not a judgment.

Mr. RANDALL. If a provision of this kind was not necessary to make the law as the amendment proposes, it would not be offered.

Mr. FINDLAY. The argument seems to be that if this did not change existing law it would not be offered. Do we not constantly pass declaratory laws? In this amendment we propose simply to declare what the law is, and provide means of carrying it out. It is not a change of existing law.

Mr. RANDALL. The amendment, in my judgment, is not germane to this bill. If there be any appropriation bill to which it is germane, it is the deficiency bill.

Mr. FINDLAY. Oh, of course; it must be some other bill.

Mr. RANDALL. Now, I submit that this amendment proposes a change in the law as to the manner of adjusting these claims. Besides, I wish the Chair to make inquiry whether there is not already pending in this House in a separate bill a proposition of substantially the same nature as this amendment. If there is, I submit that as an additional point.

Mr. BLOUNT. Mr. Chairman, it seems to me quite important that we should not vary the practice of this House and the character of this bill by permitting this amendment to go upon it. This is the naval appropriation bill, providing for the pay of officers and men of the Navy, for the construction of ships, &c. I have never before known a proposition made to pay by a provision in the naval appropriation bill a debt of any kind. Such provisions have uniformly been confined to the sundry civil bill and the deficiency bill; and even with respect to those bills the provisions admitted have, I believe, related solely to the auditing of accounts. But this amendment, if anything, is a claim, and does not belong to any of these appropriation bills. The Committee on Appropriations would have no jurisdiction of it under the rules. It should properly have gone to the Committee on Claims. I trust we are not going to convert each of these appropriation bills into a vehicle for carrying through every possible claim that any gentleman may see fit to bring before the House.

Mr. FINDLAY. I would like to have read at the Clerk's desk a provision of the law of May 18, 1872.

The CHAIRMAN. The Chair was going to direct the attention of the gentleman from Maryland to the provision of that act, which the gentleman says is identical with this. Does not this amendment propose a change as to the method of adjusting these accounts? Does it not in that respect change what has been the law heretofore?

Mr. FINDLAY. It makes no change, Mr. Chairman, so far as concerns the mode of adjustment—

The CHAIRMAN. Then what is the necessity—the Chair is asking for information—what is the necessity for this legislation?

Mr. FINDLAY. I say that it makes no change so far as concerns the mode of adjustment provided in the act which I was about to ask the Clerk to read.

The CHAIRMAN. Does it make any change whatever in existing law?

Mr. FINDLAY. It simply makes provision—

Mr. BUDD. I would like to ask the gentleman—

Mr. FINDLAY. One at a time! I will first answer the question of the Chair.

The CHAIRMAN. Does the amendment in the view of the gentleman from Maryland change existing law in any particular?

Mr. FINDLAY. I do not see that it does—that is to say, it does not change existing law in the sense contemplated by the rule.

The CHAIRMAN. Does it in any sense?

Mr. FINDLAY. Yes, sir; because it makes a new provision—

Mr. RANDALL. That is it.

Mr. FINDLAY. But it does not change existing law.

Mr. REED, of Maine. It merely makes a new provision for payment.

Mr. FINDLAY. That is all.

Mr. REED, of Maine. I desire to suggest to the Chair that this amendment merely makes provision for payment; and that is what an appropriation bill is for. If there is existing law under which this amendment proposes to make appropriation the amendment would seem to be proper. A bill of this kind is the proper place to make an appropriation in accordance with existing law; and in making the appropriation it is competent for the House to accompany the appropriation with such limitations as it may choose to make.

The CHAIRMAN. And those additional conditions, to which the gentleman from Maine refers, would not, in the judgment of the gentleman, change to that extent the law as it now exists?

Mr. REED, of Maine. Not within the sense of the rule.

Mr. FINDLAY. Mr. Chairman, it seems to me we have lost sight of the main point in this case. We may admit that an amendment changes existing law, and still it is not amenable to the rule if it does nothing more.

Mr. RANDALL. It must retrench.

Mr. FINDLAY. An amendment is not amenable to the rule unless it does something more than change existing law. If it simply asks a change in the existing law and does not in any way increase expenditure, then it is not amenable to criticism. Now we have the eight-hour law, and those men who have worked one minute beyond eight



hours a day are entitled pro rata for that moment which they have worked. We are making provisions to give them that to which they are entitled under existing law.

It does not in point of fact change existing law; it is simply addition to the law as it now is for the purpose of carrying out that law.

Mr. BUDD. While there is a law known as the eight-hour law providing simply for eight hours of labor, is there any law providing for the payment of any labor in excess of eight hours?

Mr. FINDLAY. Beyond a doubt no. That question is answered easily. The law does not fix the price.

Mr. LONG. I understand the gentleman to say they are entitled now by law to this money.

Mr. FINDLAY. I think so.

Mr. LONG. Are they entitled to sue in the Court of Claims?

Mr. FINDLAY. No.

Mr. LONG. If they are entitled by existing law why can not they go to the Court of Claims?

Mr. FINDLAY. There was a suit brought in the Court of Claims by a man by the name of Martin.

Mr. LONG. Have they brought suit in the Court of Claims?

Mr. FINDLAY. No, sir. There was a suit, I will answer my friend from Massachusetts, brought by a man of the name of Martin. You will find it in 94 United States.

Mr. LONG. What was the result?

Mr. FINDLAY. The result was that the claimant in that case got, under the act of 1872, all the award to which he was entitled between the date of the passage of the act and the proclamation of the President. As to all after the proclamation of the President down to the date of his discharge he lost the action.

Mr. LONG. Then under existing law he is not entitled.

Mr. FINDLAY. He is entitled under existing law if you admit the existing law is that eight hours constitutes a day's work. I say there is an ample assumpsit there that he is entitled to be paid for every minute beyond eight hours.

Mr. HISCOCK. Mr. Chairman, this is not a new question, but we can say most emphatically in reference to it, there are millions in it. [Laughter.] The principle to be settled by this amendment was discussed in a bill pending here in the House at the last session. As I remember the statutes (and, Mr. Chairman, I hope you have them before you and will correct me if I misstate them) under the eight-hour law it is still competent for the Government to employ men at so much an hour or something of that kind. Special contracts can be made. Under contracts men have been employed and have been paid. My recollection is there has been a judgment of some court holding they had no claim against the Government.

Mr. HAMMOND. There was a decision by the Supreme Court.

Mr. TILLMAN. The Supreme Court of the United States has decided it twice.

Mr. HISCOCK. It has been decided twice by the Supreme Court of the United States. It has been decided there was no claim whatever.

Mr. FINDLAY. If my friend will permit I will tell him about that decision.

Mr. HISCOCK. Under these special contracts the Supreme Court decides no claim exists. Therefore you must have a law from the very foundation, recognizing a claim decided by the court to have no existence. And you have to go further than that even and provide for the adjustment and payment of the claims. It is therefore clearly new legislation.

I have made remarks on the floor perhaps of a partisan character, but, thank God, I have not the feeling against the Democratic party as to desire to see it commit itself to this legislation. I remember that my friend from South Carolina [Mr. TILLMAN] made a speech on this subject in which he presented the figures giving the amount involved, and I think it is somewhere between twenty-five and fifty millions of dollars. It includes men on the public works. To a certain extent it covers those engaged on river and harbor improvement. It is far-reaching in its influence and extent. It is no trifling question, and if it is the intention of Congress to pass a law giving the value of ten hours' labor for eight hours' work in cases where there have been special contracts made and the contracts have been discharged, it is due to the country, and I say it in the interest of economy, after the manner of gentlemen on the other side, that we should do it with our eyes open, so there may be no doubt what is intended.

Mr. BLAND. I desire to make this remark: I think the spirit of our rule, if it means anything, is that every committee appointed by the House shall have jurisdiction over certain subjects and that the subjects belonging to that committee shall be considered by it. The Appropriations Committee is not a committee on claims. It is simply a committee organized for the purpose of reporting appropriations here clearly and indisputably authorized by laws.

Now we have a proposition before us that belongs exclusively to the Committee on Claims, and is not germane to any appropriation bill, not more so than a thousand other claims pending here would be. If we are to refer every claim on all subjects, no matter how the claim may originate or what its purpose may be, to the Committee on Appropria-

tions, and thus hastily consider them, you can ascertain in what confusion the House would soon be placed. I say it is the duty of the Speaker of this House and the chairman of the Committee of the Whole to scrutinize these subjects and not permit to go on these appropriation bills one single item except such as are clearly authorized by law and within the rules of the House.

This is but a claim, and I have no doubt is pending before that committee now, and if they report in favor of the claim no doubt the amount will be appropriated and it will be paid; but do not undertake to ring it in here on an appropriation bill and take the committee by surprise in this manner.

The CHAIRMAN. The Chair thinks that this amendment is new legislation in the contemplation of clause 3 of Rule XXI, and being new legislation is not in order unless it retrenches expenditures. It is not claimed that its operation would be to retrench expenditures; and consequently the Chair sustains the point of order.

Mr. KEIFER. Mr. Chairman, the proposition contained in section 2 of this bill is one to provide a mode of constructing and to appropriate money to build a navy. I propose to speak to this question as briefly as possible. It is called a proposition to increase the Navy.

I believe the United States should have a navy. It is now practically, in the light of the improvements and advancement in the matter of constructing vessels of war and their armament and armor, without any. It is not a jest to say that with the splendid corps of highly educated and experienced naval officers the United States has, and the superabundance of deep water it owns, that it would have a great navy if we only had war ships for these officers to command upon this water.

I am going to speak to-day for a navy, and I shall therefore be obliged to oppose the plan contained in this bill for an increase of the Navy. The bill, or rather the proposition in the bill for an increase of the Navy, if it should become a law, and its provisions were fully executed, would not, as we shall see before I close, give us a vessel that we would dare to put in the water.

Mr. Chairman, the importance of this great subject to our Republic can not be magnified. The great statesman, Daniel Webster, speaking of the extent of the British Empire, said of its morning drum-beat, that it "follows the sun in its course, keeps pace with the hours, and circles the earth with one continuous strain of the martial airs of England." While this can not be said of the widespread extent of the United States, it may be said that our territory unfolds a continent, and the length of our exposed coast-lines on our boundary is more than one and two-third times the distance around the world at the equator.

The total length of the Atlantic and Gulf coast line of the United States, including bays and harbors, but not the small indentations, is 13,000 statute miles. I speak of the coast line from near Saint Johns, New Brunswick, on the northeast around with the Atlantic coast and the Gulf of Mexico to Brownsville at the mouth of the Rio Grande. The Pacific coast line along the west of the States of California, Oregon, and Washington Territory, measured in the same way, is 3,750 statute miles; that of Alaska, without including the indentations, is nearly 21,000 statute miles. The shore lines of the archipelago of Alexandria from 54° 40' to the head of Chatham Straits alone includes 8,500 statute miles. The American coast line from Duluth to the mouth of the Saint Lawrence River, measured along the coast of Lakes Superior, Huron, Saint Clair, Erie, and Ontario, including one hundred and sixty-two miles of connecting rivers and straits, is 3,782 miles, and the Saint Lawrence River from Lake Ontario to its mouth, measured on the map of the United States, is seven hundred and thirty miles; a total coast line on the great lakes and rivers of the north of 4,512 statute miles.

The whole exterior United States coast line is thus found to be 42,262 miles in length, equal to about one and two-thirds times the circumference of the earth at the equator. And, Mr. Chairman, this does not compass the whole of the water defense required in time of war. Great interior rivers, bays, straits, and sounds, such as the Mississippi River, the Chesapeake, Delaware, and Mobile Bays, and the Straits of Juan de Fuca and Puget Sound—all these coast and interior lines to-day are defenseless in ships, in guns, and in forts; for whatever we have would not stand for an hour before the great war vessels of some of the third and fourth rate nations of the earth. We have no forts for coast defense, I may say, in which American soldiers would dare be taken. As has been said by some of the distinguished officers of our Army, they would prefer to take them outside of these old and now worthless and obsolete forts, and take them along the gravel and sand of the seashore at the water's edge, rather than risk the dangers that would be incurred by being within the so-called fortifications while under fire.

We are then, Mr. Chairman, in the situation of an overgrown, extremely tender child; whenever we are touched we are to be hurt, and without power of striking back. We need sea-going vessels, line-of-battle ships, cruisers to police the high seas, gunboats, torpedo-boats, &c., for coast defense. We should protect American shipping in foreign ports and on the high seas to secure that now much-needed extension of American commerce. We should, in order to preserve the dignity of our great, progressive nation, have ships that would be fit to beset into foreign ports to command the respect that is due to our flag and to secure the protection that is due to the American citizen when he is in foreign lands or upon foreign seas.

The people who cry out against a navy now would be the first to cry out against the Government and the inefficiency of Congress if war were to come. I pray we shall have no more war; I have seen enough of it and my country has seen enough of it; but the way for this country to have a foreign maritime war is to keep on in her fatal course of remaining without the means of adequate defense and the power of aggressive resistance. "In peace prepare for war" is an ancient saying, and it is well enough. But our national policy should rather be to in peace so prepare that no nation or combination of nations or despotisms of the earth will ever dare declare war against us. We should keep pace with the spirit of the age and maintain the respect of the other nations of the world. Other nations are preparing and have prepared for conflicts upon the sea and to protect their coasts, their cities, and their people.

There has been much said in times gone by about our nation being extravagant in paying out money to build a navy. My curiosity was excited, and I looked to the amounts we have expended since the close of the war of the rebellion in constructing ships. And I have made a comparison with the expenditures by other nations that rank among the first of the world, and also by other nations that rank far below the United States. In looking at this I found some things worth referring to by way of comparison.

England, France, Germany, Sweden, Italy, Russia, all those countries, have been struggling to keep in the advance in the matter of the best and most improved vessels and armament that can be put afloat. They have since 1865 expended large sums of money. England in the matter of making appropriations for the maintenance of her navy alone, since the time named, has appropriated—I state it in round numbers—\$806,000,000. The United States in the same period has appropriated \$263,000,000 in round numbers. The expenditures for the construction of new vessels since 1865 up to the year 1884 in England were \$91,000,000; in France, \$121,000,000; in Russia, \$83,000,000; in Italy, \$38,000,000; in Sweden, \$15,000,000; in Germany, \$27,000,000. The United States has expended \$4,907,000 in the completion of perfected ships of war. In the same time Sweden, feeble in point of numbers and population, feeble in the matter of great material resources, could outnumber us almost ten times in that which goes to make efficiency in time of war.

I here give a table of comparative expenditures of certain nations, taken from Admiral Porter's report of November 12, 1884:

*Tabulated form showing the expenditures of foreign nations for the maintenance of their navies during the last fifteen years, as well as the amounts expended for the construction of new ships since 1865; also a statement of the expenditures by the United States for the same purposes during the same periods of time.*

Countries.	Approximate expenditures for maintenance of the navy, 1869-'84.	Expenditures for construction of new vessels, 1865-'84.
England.....	\$805,946,430 00	\$91,000,000
France.....	630,000,000 00	121,000,000
Russia.....	345,000,000 00	83,583,180
Italy.....	142,500,000 00	38,000,000
Sweden.....	14,804,689	14,804,689
Germany.....	144,000,000 00	26,978,731
United States.....	253,796,613 82	4,907,454

Chili, a small strip of country supposed to be poor in resources, on the west coast of South America, had a single ship afloat that could go from San Diego, the southwestern point of California, to Juan de Fuca Straits, on the north of Washington Territory, and take every fort and every ship and every town and city belonging to the United States along that coast, and we could not pretend that we would be able to resist the power of that single vessel of this fourth-rate power of South America. I allude to the ship *Esmeralda*, owned by Chili. And now we see this proposed bill looks to building a hull and putting it on the stocks at a period not less than two and a half years from this time—not even to putting it in the water.

Mr. Chairman, before I come to the provisions of the bill, I feel constrained to refer to a matter that has often been quoted in one way or another, and that is that in our last war we got along with such ships as we then had; that we blockaded a great coast line, and in that way succeeded in doing something with a navy.

But, Mr. Chairman, we blockaded a would-be confederacy that had not in the beginning a boat even, not to say anything of a ship of war. And yet the very existence of our Government was almost staked—for on that depended the recognition by foreign powers of the confederacy—when the *Monitor* and the *Merrimac* came in conflict in Hampton Roads. If it had turned out that the *Monitor* under the heroic Worden had been disabled and not the *Merrimac* of the confederacy, England and France and other nations of the world were ready to recognize the Southern Confederacy. Fortune and the blessing of God shone on us in that conflict and in others. There was not only the *Merrimac* as a rebel ram, but there was also the *Albatross*, that, after an unsuccessful attempt to get

to sea, went back and was chained up to the bank of the Roanoke River at Plymouth, and the whole of our Navy was breathless, believing danger impending to it and to the Government until that most gallant hero Lieut. William B. Cushing, in the dark hours of the night, with a torpedo-boat, stole in, put his torpedo under the rebel ram, and blew her up. We were in danger from that.

Mr. BOUTELLE. Will the gentleman permit me to interrupt him for one moment?

Mr. KEIFER. Certainly.

Mr. BOUTELLE. Simply in the interest of history and as a matter of historical justice, I desire to correct the suggestion made by the gentleman [Mr. KEIFER] that the Navy of the United States was in fear and trembling from the ram *Albatross* after she had been tied up to the wharf at Plymouth. On the contrary, that ironclad, formidable as she was, had been met in the open waters of Albemarle Sound by three of the wooden gunboats of the United States Navy of the same class referred to almost contemptuously yesterday by the distinguished gentleman from New York [Mr. COX]—three wooden gunboats of the *Tallapoosa* class—and, in a fair fight upon open water, was defeated by those wooden gunboats, disabled and sent back to Plymouth in such a condition that she never attempted to escape until she was destroyed by Cushing.

Mr. KEIFER. Mr. Chairman, I have been willing to give way to the distinguished gentleman from Maine [Mr. BOUTELLE], who is naturally very jealous of the reputation of the Navy, and especially as to its exploits in the late war, but I cannot give time to the repetition of history in the short period of sixty minutes allotted to me to-day. I have said that that vessel was defeated and taken back to Plymouth on the Roanoke River, where it was blown up after the most extraordinary preparations on the part of the United States, rather than risk its coming out to meet the three great powerful wooden ships that were waiting. The *Tennessee* was a rebel ram at Mobile, and it did not get to sea. The *Atlanta* was below Savannah and it did not get to sea. The *Nashville* was at Mobile and was driven up into the Alabama River at the time of the capture of Mobile. This ends the list of the rebel rams. Not one of them, I may say, ever got out to sea. If they ever had got out (and some of us know the anxiety the country felt at that time) it would have secured at least the recognition of the would-be Southern confederacy by foreign powers.

Now, Mr. Chairman, I come to the bill. I will not stop to read the provisions of the second section consecutively, but in general I may say that the bill undertakes to abolish the present Naval Department of the United States, and to substitute for it something that is a little her-maphroditical in character, made up in part of the Navy, but of civilians in larger part. The Secretary of the Navy is to preside over a board of seven, consisting of three persons to be selected by the President of the United States from the Navy and three others from civil life; and when I read this bill I feel that although I live in the central West, far away from any portion of our seacoast, I am at liberty to talk about naval affairs, because hereafter we are to have civilians to determine what sort of a navy we shall build. The proposition is not to consult the wisdom that has accumulated in the naval service—old admirals and commodores and captains and other distinguished naval officers—but to resort to other sources. The board is to be appointed by the President of the United States, and is to consist of six persons besides the Secretary of the Navy, who is to be its president.

By the terms of the bill this board "shall meet in Washington within thirty days subsequent to their appointment, and, after organization, prepare and cause to be printed and sent to all ex-Secretaries of the Navy, all officers and retired officers of the line and staff of the Navy, to prominent ship-builders, marine and naval architects, engineers, and others interested in such matters, a circular asking for such suggestions, advice, and information as they may see fit to offer." And this is to be furnished within such time as the board may fix. Now, I wish to observe that in the first incipient step toward getting a vessel—not a ship, because this bill does not provide for one completed at all—these civilians are not even asked to furnish advice as to what shall go into the vessel in the way of boilers or other machinery. Nothing in the way of equipment is to be furnished. Nothing is to be advised about in reference to armament, which is regarded in time of war as rather important for a war ship. If we are to have an armored vessel, nothing is to be advised about that will resist the shot of the swiftest projectiles now hurled by the improved heavy guns of the world. We are to have then only under this bill a vessel built without armor; for armor is not a part of the building of a ship in a naval point of view. Thus we are to have no advice furnished with reference to the machinery, the equipment, the armament, or the armor of a perfect vessel. What a vessel of war this would be! And when are we to get even that?

Now we come to another thing: After replies to these circulars are received, this civilian board—for I must so call it—is to determine, from such advice as may come to it, the general classes and character of the vessels to be constructed.

Right here let me observe, that if there should not be any responses from distinguished people familiar with ship-building; if the responses come from those most indifferently qualified, from those who maintain for instance that we should build a wooden navy, then it would come



to pass that we have only a plan here for building obsolete wooden ships. I am not going astray on this point; for, twenty-four hours only ago, I heard from the voice of the eloquent and distinguished gentleman from New York [Mr. DORSEIMER] the prediction, if not the expression of a hope, that the time would come when we would wage our maritime wars in wooden vessels. Suppose that a distinguished man like the gentleman from New York should be called upon to send advice in reply to a circular, and should advise building a wooden ship!

Others say, speaking of a hundred years ago or three-quarters of a century ago, that naval warfare was then waged in wooden ships. The gentleman from New York further says that Nelson fought only with wooden ships. Ah, it is true that great naval hero at the siege of Calvi, in Corsica, in 1793, where he lost an eye, and at the battle of Trafalgar in 1805, where he lost his life and won a place in Westminster Abbey, fought in a wooden ship. But, Mr. Chairman, the time has gone by when vessels are to be lashed together, and men are to fight on shipboard with short hand implements of war. Marines no longer need guns in their hands. The improvements in explosives and projectiles, in cannon, in the means of projecting at high velocity heavy ball or shot have put an end to the possibility of naval warfare ever being carried on again as it was in the days of Lord Nelson. He never saw a ship that would have resisted the shot from a modern naval gun on board of one of the improved line-of-battle ships of to-day for twenty minutes at a league's distance. Such vessels as he fought in would now disgrace the age in which we live. Projectiles are now thrown with such force as to penetrate the most highly improved steel armor for resistance eighteen inches in thickness and through 2-foot iron or composite armor plate. Again, this civilian board is to act upon the advice it may get in the manner specified, not on what it might get if it were left to seek information in such methods as it might choose. And I may say here, in passing, that whatever is known in the way of improvements in the building of cruisers, gunboats, turret-vessels, rams; whatever belongs to the armored ship and the vessel that is to police the sea; whatever belongs to vessels that are needed in the defense of our harbors and our coasts; whatever is now known the world over in reference to these matters is now to be found on file in the Navy Department. And all that is known by the maritime powers of the earth about machinery, equipment, armament, and armor for all classes of the most highly improved ships of war is also known there and in other Departments of our Government.

When this board has read the answers to its circulars and decided upon a class, and accepted one of each of four classes and awarded a premium of \$10,000 for the best of each of four classes, and \$5,000 for the second best of each of four classes, then these vessels must be ordered to be built, although at that very hour it may be known that there are other better plans and classes of vessels which it would be wise to construct. The draughtsman of this section had a good gambling idea, if I may be allowed the expression, for he looked out for the second horse. It is proposed to give \$10,000 for the plan of the best vessel of each class that is accepted, and that we are required to build, and then \$5,000 for the next best plan of each which we reject, and never will build.

Allow me to say with much deference, but upon competent information, that a perfect plan and specifications, which would comprehend the structure of a good ship with armament and machinery and armor and everything requisite, could not be procured for \$10,000. But I think this board will receive some propositions. There are plenty of old plans of ships lying about the Navy Department; and I venture the suggestion that there are plenty of geniuses—we sometimes call them "cranks"—within the sound of my voice who have old plans which they have been carrying around under their arms for years, and they will now have an opportunity to file them. Somebody may bring here the plans and specifications of the Esmeralda, the great Chilean vessel. Somebody may obtain and file the plans and specifications of the great Italian ironclad *Le Panto*, now being built, the greatest vessel now constructing in respect to the depth of water it will draw, or the iron-clad *Riachuelo*, belonging to Brazil. You may get plenty of plans and specifications from the Clyde and file them; but when you have all these before your board you have nothing there but what is already in the Navy Department, with all the additional improvements that could be combined with the originals.

But, as I have already observed, we are to set aside the present naval advisory board and go on with a new one. What a great calamity it would be if after this civilian board has decided upon a plan and ordered a vessel built, or rather the hull built, without armament or machinery or armor, some Congress should criticize the board and set aside its work, and order something else! In that way we shall never get a ship.

There are three civilians, besides the Secretary of the Navy, on the proposed new board. We have now an advisory board. I believe there are two civilians required to be on it, and for many weeks and months there has been a vacancy in that advisory board because the Secretary of the Navy could not find a man qualified who would accept the place. Ah! gentlemen shake their heads. They can find plenty of men who will accept the place, but are they to be indifferent fellows like some of us? We have not been able to keep the present advisory board full, although the salary fixed by law is \$5,000 per year, because we could

not get men skilled and qualified for the place. The new board is to fix the designs and determine the relative merits, and so on, as I have already said. And they are to complete this herculean work and report to the President of the United States by the 1st day of December next.

Then it has another office to perform. That board is supplemented with responsibility by being directed to consider whether the five unfinished monitors now in process of construction or already partly constructed are suffering from their present incomplete condition, and whether they should be completed and armed. It is to review the work of the highly experienced officers of the present board. If this bill be passed we are to say to the country that we are going to wait for the report of a civilian board to find out whether these vessels are suffering from their present incomplete condition.

What if they are? Then I suppose we are to try to apply something to stop their suffering. But they may report they ought to be completed and armed. Then we have lost precious time. We are serving notice on the country that the vessels we have already put large sums of money in, and which are being built in accordance with the most improved plans and specifications in the world, some of them combining the best improvements, in point of construction, machinery, armament, armor, and equipment, of the best ships now in process of construction by England, by Germany, and by Italy—we are giving notice that what we have already done is to be stopped, and we are not to engage in the work of completing anything that can be put afloat. One of these monitors is partly completed in the navy-yard, as I understand it, on the Pacific coast, and there is nothing else there for the protection of that coast. We do not even order that completed.

Mr. ELLIS. Will my colleague allow me to interrupt him right here?

Mr. KEIFER. For a question, but I can not allow the gentleman to make a speech.

Mr. ELLIS. I wish you to call by name those ships whose types fall out the idea of an American navy.

Mr. KEIFER. Very well; the gentleman will have his way about the order of things. I can say, without being very familiar with this, that the Chicago, a ship of 4,500 tons displacement, is built in accordance with some of the best improved plans of a ship of that class in the world.

Mr. ELLIS. What is her speed?

Mr. KEIFER. Sixteen or more knots per hour.

Mr. ELLIS. How much armor?

Mr. KEIFER. I will give all the monitors, if the gentleman desires; but I prefer to go through in my own way.

Mr. ELLIS. You refer to American ships now being built?

Mr. KEIFER. Certainly. I have said they are built partly after the best and most improved plans, or class if you choose to use the word, of ships in the world. I do not believe the gentleman disputes that proposition.

Mr. ELLIS. I do not dispute it. The idea I wish to draw out is this: The gentleman thinks we may safely copy those in further increase of the Navy.

Mr. KEIFER. The gentleman undertakes to draw his own conclusion without being justified in it. I undertake to say if this country needs a navy we must finish something, and inasmuch as we have the best class of ships the world now knows anything about in process of construction, I would finish those before I would send circulars around the country hunting information on which to make a report at a distant day in reference to vessels which are to be built some years hence.

Mr. ELLIS. Then the gentleman regards those vessels now being constructed as the very best vessels in the world? That is what I wish to get at.

Mr. LONG. Has not an appropriation been made for the completion of these cruisers?

Mr. KEIFER. I have already answered that question by saying that these monitors, the bill itself provides in effect, are not to be finished.

Mr. LONG. Cruisers?

Mr. KEIFER. Some are being finished.

Mr. LONG. All of them.

Mr. RANDALL. The money is given for all.

Mr. THOMAS. Not by this bill.

Mr. RANDALL. No; not by this bill.

Mr. KEIFER. And there is no provision in any law or bill to complete any of the five monitors.

Mr. ELLIS. Provision is made, I understand, for finishing those vessels.

Mr. THOMAS. And armament, too.

Mr. KEIFER. Not the monitors; for by this very bill it is provided that the new board is to examine and report on the propriety of their completion.

The unfinished monitors are the *Monadnock*, at Mare Island, on the Pacific coast; the *Puritan*, at Chester, Pa.; the *Terror*, at Wilmington, Del.; the *Amphitrite*, at Philadelphia; and the *Miantonomoh*, at Brooklyn.

I was speaking, when I was interrupted by the gentleman from Louisiana, of the armored vessels unfinished, the monitors. We are

to look, according to the bill, to see whether they "are suffering" or not, in order to determine whether they shall be completed or not, and this board is to report on that subject by the 1st day of December, 1885.

Now, Mr. Chairman, there are many objections to the scheme in this bill. We are to set up a new naval establishment. We are to have a new class of clerks—of civilians—under the direction of this civilian board. They are to be paid by this bill in accordance with the allowance made to experts and clerks in the Navy Department. Another class of men entirely is to come in. We are to build up a new establishment, and at last we have come to the day when we would be startled and dazed even if we were not hourly looking for astounding things. We have come to the time which of all others would astonish us, and that is when the Democratic party presents to the Congress of the United States a proposition to appropriate an indefinite sum of money for the construction of a navy. I have witnessed my colleagues on the Committee on Appropriations on the floor of this House, and everywhere, cry out against an indefinite appropriation for a poor employé of the Government when the sum that was possible under the appropriation was less than \$100. But we have by this bill a different condition of affairs in this language:

The necessary money to pay the expenses of the board and its awards—

That is, \$60,000; we can determine on that—

and for the building of the vessels as herein provided for, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid under the directions of the President of the United States, &c.

The President and Secretary of the Navy may expend \$5,000,000 on a vessel or \$10,000,000, just as they please. They may go to the uttermost limits; there is nothing to check them; they have the United States Treasury behind them. I am not here, Mr. Chairman, to congratulate Democracy upon taking this advance step in the matter of making unlimited and indefinite appropriations, for I do not believe in it. Some on that side of the House have contended for limited appropriations in the smallest affairs connected with the Government; and now when we are in the closing hours—ay! the closing hours of a Republican administration, and a Republican Executive is about to go out—Democracy sends forth its proclamation that hereafter we are to have unrestricted and indefinite appropriations from the public Treasury. Is that Democratic? Is that the way to launch an incoming administration?

But the President to come in is to have control of this after all. I ought to have said in its proper connection that if we have a favorable report by this board for four classes of vessels or ships to be made the President of the United States is yet to come in and become the law as to whether the vessels recommended to be built shall be built, or rather whether any vessel shall be built at all. He is to say whether anything is to be done or not. After the board has gone through with all of its travails and brought forth whatever it may of perfection or monstrosity the President is to look at it and say whether it shall be allowed to come to anything or not in the world. The whole thing is finally to be determined by him as to whether we are to have not a navy but a ship on the stocks. Nothing nearer a navy is proposed.

Now in order that this indefinite appropriation may be easily reached, it remains entirely within the power of the President, by the terms of this proposed bill, to direct a pay officer of the Navy Department to be detailed, and then he can say in a note to the Treasurer of the United States, "Hand over to my detailed officer \$10,000,000 or \$20,000,000 to be used by us." All of the ordinary forms of paying out money from the Treasury of the United States, with all of the checks and guards about it, are set aside by the provisions of this bill; and it simply says that the President of the United States shall detail some pay officer of the Navy who shall take whatever money is ordered to be taken out of the Treasury for the purposes herein provided. Is not that advancement? Is not that looking to the matter of getting the money out of the Treasury which my friend from Colorado [Mr. BELFORD] so greatly hopes may be accomplished by the incoming Democracy? Here is another method without check at all to reach the money in the Treasury. Mr. Chairman, it is without a parallel in legislation, and I may say that it is so unprecedented that it is suggestive of great danger to the Treasury of the United States.

Last of all in this remarkable section we find:

The provisions of this section shall take effect immediately after the passage of this act.

The Democracy is to come into power a few days or a few hours after this bill takes effect and then it shall become a law! The handling the public money in this loose way is to begin promptly.

We have had advisory boards. By a law passed on the 5th of August, 1882, we had an advisory board. It was made up of the accomplished, trained, and educated officers of the Navy, with the exception, I believe, of two persons; but it was scientific in its character. That board has labored with all these questions. The Secretary of the Navy was directed by the same act to send out circulars for advice and upon the subject of new ships, &c., and he sent them out, I think, about the 5th of August, 1882; and also later supplemental circulars were sent out, asking for advice upon the matters to come before them. The Navy Department and the present highly accomplished Secretary of the Navy, who is astute, ready, and always alive to give prompt attention to what-

ever belongs to progress in the Navy and the Navy Department, has gathered up in this and other ways all the information that can be obtained upon this subject, and it is all in that Department now.

This advisory board is incomplete now simply because one civilian member resigned and another could not be obtained at \$5,000 a year to take his place, but it is one which possibly might be made complete. This advisory board is to be set aside for a new-fangled one. And those gentlemen, those three distinguished men, as we suppose they are to be learned in engineering, skilled in the science of maritime ship-building, are to be paid the enormous sum of \$10 a day and railroad fare; it is not proposed even I believe to pay for their dinners if they should happen to go to New York. They are to have \$10 a day for their summer's work and for their deliberations and their business. All the accumulations of science and of learning and of skill and of experience that these persons are to have are to be paid for at the rate of \$10 a day. Mr. Chairman, the draughtsman of the bill may have known well what he was about and may have proposed to pay them all they are to be worth. I do not know who they are to be, and therefore I may say that.

It is absurd, Mr. Chairman, and entirely unheard-of, to have a competition in furnishing detailed drawings and specifications for naval vessels. When the general features and essential requisites of a vessel are decided upon it is time enough to prepare detailed drawings and specifications, and skilled draughtsmen in the Navy Department can do this. We have all possible information to determine what kind of vessels should be built, as I have already stated, now in the Navy Department. What is wanted is a determination of the authority to decide in the competition in drawings, specifications, and models.

I have some queries to put that I hope the gentlemen who are responsible for this bill will answer. Are foreign designers to be allowed to compete for the awards? If any person brings exact copies of the plans of foreign or home vessels—for instance, those of the Italian *Le Panto* or the Brazilian *Riachuelo* as an ironclad, or the *Esmeralda* as a cruiser, built on the Clyde for Chili—is he to be allowed with those plans to enter into competition? Who is to be regarded as the proprietor of the plans and receive the prize?

Under this plan, Mr. Chairman, four vessels are to be built, but no limit is fixed as to the cost. A five-million-dollar ironclad may be ordered. All the requirements of existing legislation regulating alterations in plans and requiring the supervision of the board are omitted. If we should adopt some plan that was the best we had and yet not the best, and commence the building of a ship, the law would be such that unless it was changed we could not vary the construction of the vessel in any part, and we would have to complete the thing we started out with. In the two years or more which it would take to finish the vessel, even before we put machinery into her, we would find ourselves in a condition that we should have to build that which we did not want.

If this supposed perfect proposition were adopted, as I have said repeatedly, it would give us a vessel on the stocks without machinery in it, without equipment on it, and if it was an armored vessel, without armor, and if it was to carry guns, an essential for war-ships, we might assume without armament. So that at the end of the time and at the end of the discretion, notwithstanding the indefinite appropriation, we should have a structure upon the stocks somewhere in a navy-yard or somewhere else where it was built by contract that we would not dare to launch, that we could not put into the water because it would have no machinery to run it or manage it. Therefore the whole plan is utterly imperfect and should be rejected.

Mr. Chairman, when, on yesterday, the majority of this committee voted to leave an appropriation of \$400,000 in the first section of this bill to finish a ship now twenty years old, finish a ship that has only been partially built, and its timbers not even planked over, we had notice served upon us that the thing was to spend money not to make a navy; for, as I have shown, no part of a navy would be completed under this bill without further legislation. If we carried out all the provisions of this bill, if we finished the ship *New York*, now, as for twenty years, on the stocks in the Brooklyn navy-yard, we would have a vessel, if war should come, we should never dare to launch or take out of the harbor. You would hear the people of the city of New York cry aloud for appropriations to build stone-boats to take down to the Narrows and sink there, so as to prevent the New York from getting out where it could be captured, and to prevent vessels outside getting in where they could capture New York city and this old hulk of a ship, the New York; and that would be the only way to protect either. The New York, when completed, could not catch anything that was on the sea that was less powerful than itself. It could not run away from anything that belongs to marine naval warfare. Speed in a naval ship is as important as strength. But we are to spend \$400,000; and then there is no person who has temerity and courage enough to claim it would be worth anything or be needed for any possible purpose except, as stated on yesterday by the distinguished gentleman from New York [Mr. COX] and the other distinguished gentleman from Maine [Mr. DINGLEY], that we might possibly need it at some time or another to keep school in. That is all.

Now, there are many things that might be said and should be said in reference to this. Among the other queries I desire to put is this:



I would like to ask gentlemen to tell me what four classes of vessels are most needed. What four among the score or more of classes of ships that are now built for naval war purposes—what four are we to select? Are we to have cruisers, monitors, gunboats, or one or more of the dozen different kinds of turret vessels? I would like gentlemen to tell me whether there are to be different classes of cruisers and different classes of gunboats, or whether we are to have torpedo-boats. If I had time I would be able to show that a maritime power that boasts of its strength upon the sea, the power before which all the maritime nations of the world tremble, to wit, Great Britain, is armed strongest for defense through her torpedo-boats.

If we should ever be able to build and complete four good war ships under this bill when a law, which I deny, the country would have but little toward an adequate navy to protect its long coast lines or to maintain war on the high sea.

Besides the completion of the cruisers and monitors now in process of construction I would build and in all respects complete the new vessels of the several classes recommended by the present Secretary of the Navy, Mr. Chandler. With these our country would be so armed as probably to avert war, and if a maritime war came we would in some part be ready to maintain it with a power commensurate with our greatness.

[Here the hammer fell.]

Mr. MCCOID. Mr. Chairman, I wish to occupy a moment.

The CHAIRMAN. Does the gentleman from New York [Mr. HUTCHINS] yield?

Mr. HUTCHINS. On which side does the gentleman desire to be heard?

Mr. MCCOID. In opposition to the bill—just for a moment. I simply wish to send up and have read from the Clerk's desk a remonstrance relating to this subject.

The Clerk read as follows:

*To the honorable Senate and House of Representatives in Congress assembled:*

We respectfully protest against appropriations for the increase of the Navy, and the manufacturing of large guns and other munitions of war, as a means of preserving peace with other nations.

We earnestly pray your honorable body to spare no expense or effort that may be necessary in providing courts of arbitration and other humane and civilized methods of promoting and maintaining friendly relations with foreign countries; for which we will ever pray.

ELIAS JESSUP,  
WILLIAM P. SMITH,  
ISAAC T. GIBSON,

*On behalf of Iowa Yearly Meeting of Friends.*

1st MONTH, 2, 1885.

Mr. HUTCHINS. Mr. Chairman, I now yield fifteen minutes of my time to Mr. LONG, of Massachusetts.

Mr. LONG. Mr. Chairman, I doubt if I shall want all the time allotted me, for I rise merely to declare myself with regard to this section of the bill. As I listened to the gentleman from Ohio [Mr. KEIFER] and heard his fervid and eloquent statement of the need of a navy and the exposure of our coast, and then heard him argue so strenuously against the proposed and only means of providing for its needed defense, I was reminded of the old story told of a distinguished citizen of my native State, who said he was "in favor of the Maine law, but agin its execution." [Laughter and applause.] There was a great deal of force in many of the objections which the gentleman from Ohio urged against the measure, but they are objections to details in the bill, which are open to amendment. With reference to many of them I fully agree with him, but they can be corrected by the touch of a pen. But I do not agree with him in opposing the general legislation proposed.

The question before the country and the House is the fundamental one whether we shall have a navy at all sufficient for the necessities of the country. That, sir, is an elementary question. It is a question which answers itself. If one of the corner-stones of a man's house has begun to crumble, he does not deliberate; he acts, and makes the foundation secure. One of the corner-stones of our Republic has crumbled. The time has not yet come, sir, when physical power and prowess are not an element of national strength. No nation can steadily hold its own that does not carry with it not only the impression but the fact of its ability to assert and defend itself. It is to that impression and to that fact that little England owes her self-respect and the respect of the world. She may not be holding her own to-day, but she would be holding her own if she were fighting on the sea in defense of her own institutions and not in the invasion of others.

A national flag is a splendid thing, though it be but a broom, so long as it rocks at the masthead; but it is a very poor thing, no matter how gaudy its colors or fine its texture, when it trails in the slime. The very recognition of national power, the consciousness that a nation is able to defend itself and to strike back, is in itself, and without firing a gun, the best protection. It is the very protection and peace which the petition just read at the Clerk's desk, from the Society of Friends, aims to secure, protection at home and abroad—protection to the merchant who builds his warehouse on the seaboard, and to the interior farmer whose interests depend upon the maintenance of relations with the export markets of the coast.

All this is elementary. Yet what, in respect to our seacoast defenses, is the condition of our country which is to-day intrusted to our

hands? It is very well for the gentleman from New York [Mr. DORSEY] in his eloquent address to say we have sufficient defense in the hearts of our people, our brave soldiers and sailors. They have brave hearts indeed. So there were never braver hearts than those of the three hundred Spartans who stood at the pass of Thermopylae and resisted the hosts of Xerxes. But the paltriest coward in the Persian ranks, standing a mile from their swords with a Hotchkiss rifle before him, would have laughed at them, and anon moved on in derision over their riddled bodies.

To-day on our ocean border our country is like an unarmed giant, mighty in resources but surrounded by an armed soldiery who hold him at the very point of their bayonets. Our harbors are defenseless; our seacoast is at the mercy of foreign ironclads; our ocean cities are a temptation to the exaction of a ransom of half their value; our Navy is an alphabet of floating wash-tubs. There is scarce a nation so poor as to do it reverence. We have but one ship, the Tennessee, which ranks as first rate; and even as to her the Secretary of the Navy says in his report that as soon as she shall be examined she will be condemned as not worth repairing.

On such wooden ships as we have there is not a single piece of ordinance of more value in modern warfare than a child's pop-gun. This picture has been drawn over and over again, till we are tired of its coloring. Our people ridicule their own navy, and even come to relish as a joke the running down of the Tallapoosa by a coal-barge. They laugh at our naval array as a sort of marine Falstaffian burlesque. And what have we done about it? I have sat here through one session and heard a wrangle between members on one side and the other as to which party is at fault, meantime nobody caring a row of pins about the quarrel and the people indifferent to it. Is it not time to get above this fish-woman's scolding?

The CHAIRMAN. If the gentleman from Massachusetts will suspend the Chair desires to call the attention of the Committee of the Whole to the fact that the House, under its standing order, this being Friday, is to take a recess at 5 o'clock to reassemble this evening at 7 o'clock, though ordinarily the hour of reassembling is 8.

Mr. THOMAS. I thought the hour for the recess had been extended till 6 o'clock.

A MEMBER. There was no extension.

Mr. THOMAS. There ought to be.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. THOMPSON having taken the chair as Speaker *pro tempore*, Mr. WELLBOEN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House continue in session until 6 o'clock for debate in Committee of the Whole on the naval appropriation bill, and that then the recess be taken until this evening.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks that the recess be taken at 6 o'clock instead of 5. Is there objection?

Mr. PRICE. I object.

Mr. RANDALL. Then I move that we now take a recess.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, a recess is now declared until 7 o'clock this evening in accordance with previous order. The gentleman from New York, Mr. BAGLEY, will preside at the evening session.

#### EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

February 13, 1885.—Amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

February 20, 1885.—Amended by providing that to-night's session for pension business shall be from 7 till 9 o'clock.

THOMAS M. M'CHESNEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7863) granting a pension to Thomas M. McChesney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEONORA A. BOYDEN.

Mr. STRUBLE (by Mr. WILSON, of Iowa) reported back favorably from the Committee on Pensions the bill (S. 1709) granting a pension to Leonora A. Boyden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW FRANKLIN.

Mr. STRUBLE (by Mr. WILSON, of Iowa) also reported back favorably from the Committee on Pensions the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole House on the Private Calendar to proceed with business under the order for Friday evening's session.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills upon the Private Calendar, under the special order heretofore made, which has just been read.

Mr. MATSON. I ask unanimous consent that the order of business be so fixed that members may call up such bills as they may select, the Chair alternating in recognition from side to side in the House, and that the bills reported favorably from the two committees—the Committee on Pensions and Invalid Pensions—where favorable reports are made, shall be given preference and disposed of, and if afterward any time remains the adverse reports may be taken up.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was ordered accordingly.

WILLIAM LOCKHART.

Mr. HEWITT, of Alabama. Mr. Speaker, I call up the bill (S. 357) granting a pension to William Lockhart.

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 William Lockhart, late a soldier in the Black Hawk war.

Mr. HEWITT, of Alabama. This man is 80 years old, and was wounded in the Black Hawk war. I think he ought to have a pension.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER WEIDE.

Mr. DAVIS, of Illinois. Mr. Chairman, I ask consideration of House bill 7485, granting a pension to Alexander Weide.

The bill 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 the name of Alexander Weide, late captain of Company C, Third West Virginia Cavalry, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NEWTON J. BURRIS.

Mr. MATSON. Mr. Chairman, I call up Senate bill 1655, found on page 52 of the Calendar, granting a pension to Newton J. Burris.

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 Newton J. Burris, late a private in Company I, Sixty-eighth Regiment Indiana Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEONORA A. BOYDEN.

Mr. WILSON. Mr. Chairman, I ask consent in behalf of the gentleman from Wisconsin, who presented this bill, to consider Senate bill 1709, granting a pension to Leonora A. Boyden.

The bill 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 the name of Leonora A. Boyden, mother of Charles F. Putnam, late a master in the United States Navy, lost in the Arctic Ocean, and pay her a pension of \$30 per month 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.

JOSEPH SANSON.

Mr. HALSELL. Mr. Chairman, I ask to call up the bill (H. R. 7990) granting a pension to Joseph Sanson.

The bill is 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 Joseph Sanson, late of Company F, Twenty-sixth Regiment Kentucky Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. F. M. NORTON.

Mr. CANNON. Mr. Chairman, I call up the bill (H. R. 8189) granting a pension to Mrs. F. M. Norton, and put it upon its passage.

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 Mrs. F. M. Norton, widow of James H. Norton, deceased, late a private in Company G, Eighty-sixth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE A. WASHBURN.

Mr. EATON. I move to take up Senate bill 1803, granting an increase of pension to George A. Washburn, and put it upon its passage.

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 increase the pension of George A. Washburn, late major of the Sixteenth Regiment Connecticut Volunteers, and brevet brigadier-general, to \$45 per month.

Mr. HEWITT, of Alabama. It is proposed to increase the pension. I ask therefore that the report be read, so as to show the grounds on which the increase is recommended.

The Clerk proceeded to read the report.

Mr. HEWITT, of Alabama. I have been informed that this is a very meritorious case, and I shall not insist upon the further reading of the report, but ask that it be printed in the RECORD.

The report (by Mr. FYAN) is as follows:

As the Senate report covers the facts and evidence in the case, it is adopted by this committee:

[Senate Report 1183, Forty-eighth Congress, second session.]

The claimant, George A. Washburn, late major of the Sixteenth Connecticut Volunteers, was pensioned for gunshot wound of left thigh at \$12.50 per month from January 17, 1863, the date of discharge. This pension was increased to \$25 per month from October 7, 1869. No further claim appears to have been made before the Department.

The claimant now asks that this amount be increased, and presents the following affidavit, made by his attending physician:

"This is to certify that I have made examination of General G. A. Washburn, late major Sixteenth Connecticut Volunteers; that I am familiar with his condition and habits for the past year, and I am of opinion that he is totally incapacitated for all forms of manual labor. By reason of wounds received in battle his left leg is of little use, interfering with riding, getting in and out of a carriage, &c., necessitating the constant use of a stick. At frequent periods he can not for days together go out of doors. His rest at night is disturbed by great pain, which requires the attendance of another person to nurse him, and the use of large amounts of pain-quieting medicine. When absent from home he requires the attendance of another, and he is daily in requirement of health-supporting measures. My opinion is that were he to return to his home in the North the nature of his bronchitis and asthma are such that they would speedily prove fatal, at least exceeding dangerous to life. From the painful existence and permanency of his disorders of wound, lameness, asthma, bronchitis, and their complications, as well as his need of support, I would earnestly recommend the case of General Washburn to your consideration."

"C. S. MAY, M. D."

Senator Platt also indorses the statements made by Dr. May, and states that in his opinion the applicant is entitled to an increase of pension.

A. S. Warner, late surgeon Sixteenth Regiment of Connecticut Volunteers, certifies as follows:

"I have examined Col. George A. Washburn, formerly major of the Sixteenth Regiment Connecticut Volunteers, and I find he received a wound, the ball passing very near the junction of the ilium with the sacrum, passing through the pelvis, badly comminuting the ischium, a part of the ball (a triple one) passing through the scrotum and out, and a part was lodged in the left testis. I am of opinion the disability occasioned by the wound is permanent and total."

Unquestionably this soldier is equitably entitled to an increase of pension, but as the rate of \$50 is now the highest allowed for total disability, requiring constant attendance of another person, except in cases covered by the act of June 16, 1880, and inasmuch as this soldier does not require constant attendance, your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN ARNDT.

Mr. STRAIT. I ask consent to call up the bill (H. R. 7992) for the relief of Christian Arndt and put it upon its passage.

The bill is 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 Christian Arndt, late of Company H, Ninth Minnesota Infantry, on the pension-roll, subject to the rules and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM D. FARNSWORTH.

Mr. SHIVELY. Mr. Chairman, I ask consent to take up the bill (H. R. 8152) for the relief of William D. Farnsworth and put it upon its passage.

The bill is as follows:

Whereas on or about the 23d day of May, 1882, by an act of Congress entitled "An act for the relief of Almira Farnsworth," approved May 23, 1882, a pension was granted said Almira Farnsworth; and

Whereas said Almira Farnsworth died on the 6th day of June, 1882, without having received her pension certificates, and left a husband surviving her, one William D. Farnsworth, who is old and feeble, being eighty-three years of age; Therefore,

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William D. Farnsworth on the pension-roll in lieu of Almira Farnsworth, said pension to date from the 23d day of May, 1882, but in all other respects subject to the provisions and limitations of the pension laws.

The committee recommend the adoption of the following amendments:

Strike out all after the word "Farnsworth," in line 4, and insert "dependent



father of Edward Farnsworth, late of Company E, Twentieth Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws; also strike out the preamble.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM STANSBERRY.

Mr. PRICE. I call up for consideration the bill (H. R. 7993) for the relief of William Stansberry.

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 William Stansberry, late of Company A, Third West Virginia Cavalry, on the pension-roll, subject to the rules and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA GINN.

Mr. BAGLEY. I call up for consideration the bill (S. 2350) granting a pension to Anna Ginn.

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 Anna Ginn, widow of Benjamin Ginn, late a private in Company F, Fiftieth Regiment Enrolled Missouri Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES L. ALDEN.

Mr. WHITE, of Minnesota. I call up for consideration the bill (H. R. 6960) for the relief of Charles L. Alden.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized to place the name of Charles L. Alden, of Company C, Second Minnesota Infantry, on the pension-roll at a rate commensurate with his present disabilities.

The Committee on Invalid Pensions reported the bill with the following amendment:

In lines 5 and 6, strike out the words "a rate commensurate with his present disabilities" and insert "the rate of \$30 per month."

Mr. HEWITT, of Alabama. I desire to ask the gentleman who calls up this bill what pension this soldier is entitled to under the general law. Thirty dollars is the highest pension known under the general law except in special cases.

Mr. STRAIT. The man is entirely blind now.

Mr. STOCKSLAGER. For the loss of both eyes he would be entitled to \$72.

Mr. STRAIT. The committee did not think he was entitled to \$72 and recommended a pension of \$30.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDGAR L. DUTTON.

Mr. HOLMAN. I call up the bill (S. 1790) granting a pension to Edgar L. Dutton.

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 of the pension laws, the name of Edgar L. Dutton, late a private in Company K, Twenty-second Regiment Indiana Volunteers, at the rate of \$16 per month, in lieu of the \$8 per month heretofore allowed him, as specified in pension certificate 116435.

Mr. HEWITT, of Alabama. I should like to know why it is proposed to increase the rate of pension in this case from \$8 a month to \$16? There ought to be some reason assigned for it.

Mr. HOLMAN. I have sent for the report.

The CHAIRMAN. The report is on the desk. The Clerk will read it.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1790) granting an increase of pension to Edgar L. Dutton, having had the same under consideration, beg leave to report as follows:

A careful examination of this case enables us without hesitation to adopt the Senate report and ask for the passage of said bill. The said report is as follows: "That the Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, makes the following remarks concerning it, namely:

"The soldier was pensioned March 1, 1872, for hernia of right side, at \$4 per month, from May 13, 1865, the date of his discharge; at \$8 per month from April 16, 1874. His claim for increase on account of heart disease is inadmissible, because there is no record or medical testimony showing existence of alleged disability in the service, nor medical or other satisfactory testimony showing existence at and since discharge."

"The claimant testified in his application for increase that he could not furnish the medical testimony required as to existence of the disability from heart disease while in the service, because it was contracted while absent from his regiment, and states in an explanatory affidavit filed with the Commissioner of Pensions that—

"The disease of the heart, upon which his claim for increase is based, was incurred in the service while a prisoner at Andersonville, Ga., and Florence, S. C., between July 19, 1864, when he was taken prisoner at Peach Tree Creek, in front of Atlanta, Ga., and the middle of December, 1864, when he, with about 10,000 other sick and wounded prisoners, was released on special parole, and never afterward returned to his regiment, and was discharged at Indianapolis, Ind., May 11, 1865."

"He further says that, even though he had been returned to his regiment, it

would still be impossible for him to furnish the testimony of the surgeon or assistant surgeon of his regiment as to his condition subsequent to his release on parole as a prisoner, for the reason that both of those officers are dead. But he furnishes evidence establishing beyond all reasonable doubt that at the time of his enlistment he was not only free from heart disease but was a sound and able-bodied man, and other testimony in the case supports the declaration of the soldier that his disease of the heart was contracted as he alleges it was, and that it has continued since the close of the war to the present time.

"He was examined by a board of examining surgeons in April, 1879, and again in September, 1880, and the reports in both instances rate him total for hernia and total for heart disease, and certify that: 'We find his disability, as described above, to be equal to and entitling him to \$16.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LUCRETIA G. RIPLEY.

Mr. WAIT. I call up the bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley.

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 Lucretia G. Ripley, widow of Edward F. Ripley, deceased, who enlisted as a private in Company H, Eighteenth Regiment of Connecticut Volunteers, and was afterward detailed as night hospital steward at New Haven, Conn., and died on the 10th day of September, 1875, leaving surviving said widow, and issue under the age of 16 years, one child, to wit, Grace A., born January 18, 1875; and that the said Lucretia G. Ripley be paid during her widowhood the sum of \$8 per month, to commence on the 11th day of September, 1875.

The Committee on Invalid Pensions recommend the following amendment:

Strike out all after the words "Connecticut Volunteers," in line 8.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CLARINDA HUNT.

Mr. SEYMOUR. I call up the bill (S. 1804) granting a pension to Clarinda Hunt.

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 Clarinda Hunt, the foster-mother of Edwin W. Hunt, deceased, who enlisted in the United States Navy September 15, 1864, and was discharged September 1, 1865, for disability, from which he never recovered.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK FURLONG.

Mr. BROWN, of Pennsylvania. I call up for consideration the bill (S. 2610) granting a pension to Patrick Furlong.

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 Patrick Furlong, late a private in Company G, Fourteenth Regiment Vermont Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND HUSCHER.

Mr. STOCKSLAGER. I call up the bill (H. R. 8048) to increase the pension of Ferdinand Huscher.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the copy of the bill sent to the Clerk's desk is not the regular Calendar bill.

Mr. STOCKSLAGER. I have sent to the document-room for it.

The CHAIRMAN. The bill will be reported, and the Chair will direct the attention of the chairman of the Committee on Invalid Pensions to the reading of the bill.

The bill was read, as follows:

*Be it enacted, &c.,* That the pension of Ferdinand Huscher, late a hospital steward in the United States Army, be, and the same is hereby, increased to \$24 per month, in lieu of the pension now allowed him.

Mr. MATSON. The Committee on Invalid Pensions was discharged from the consideration of this bill, and it was referred to the Committee on Pensions.

Mr. STOCKSLAGER. That statement is correct, and the bill was reported to the House with a favorable recommendation by the Committee on Pensions on Wednesday.

The CHAIRMAN. Was there any amendment reported?

Mr. STOCKSLAGER. No amendment except to change the name from "Huscher" to "Herscher."

Mr. HEWITT, of Alabama. I reserve the right to oppose the bill until my friend from Indiana [Mr. STOCKSLAGER] shall give some explanation of it.

Mr. STOCKSLAGER. Mr. Chairman, I would much prefer to have the report here.

The CHAIRMAN. The Chair suggests that the gentleman [Mr. STOCKSLAGER] withdraw his bill for the present, and meanwhile he may be able to find the report.

Mr. STOCKSLAGER. The report, they say, has not been printed.

The CHAIRMAN. The bill will be passed for the present. The Chair recognizes the gentleman from Kansas [Mr. MORRILL].

CHANCEY G. DARRAH.

Mr. MORRILL. Mr. Chairman, I call up the bill (H. R. 8187) granting a pension to Chancey G. Darrah.

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, subject to the restrictions and limitations of the pension laws, the name of Chancey G. Darrah, late of Company E, Sixteenth Regiment New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SYDNEY L. SKAGGS.

Mr. ROGERS, of Arkansas. Mr. Chairman, I desire to call up the bill (S. 1268) for the relief of Sidney L. Skaggs.

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 Sidney L. Skaggs, late scout of the Second Arkansas Infantry.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1268) for the relief of Sidney L. Skaggs, having considered the same, report as follows: Claimant was a pilot, guide, and scout, serving as such with the Union Army in the State of Arkansas in 1864 and the early part of 1865. That while serving as such he was seriously wounded by the enemy.

Your committee agree with and adopt the report made to the Senate by Mr. JACKSON, of the Committee on Pensions, upon said bill, and incorporate it herewith as a part of their report, as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1268) for the relief of Sidney L. Skaggs, having examined the same, make the following report:

"That said Skaggs, in 1864 and during the early part of 1865, acted as pilot and guide for the different Federal commanders at the post of Clarksville, Johnson County, Arkansas. That in January, 1865, while out with a scouting expedition, under the command of Lieutenant Pitts, of Company A, Second Arkansas Infantry, the party were attacked by rebels or bushwhackers, and during the fight said Skaggs was wounded in each shoulder. The wound in the right shoulder necessitated amputation of the right arm near the shoulder joint. This amputation was made by the regimental surgeon, and he was treated in the regular Army hospitals. He filed his application for pension, which was rejected by the Pension Office on the ground that he was not an enlisted man in the military service of the Government, and because the general law made no provision for volunteer scouts and pilots, although regularly employed. Skaggs was between 16 and 17 years of age while serving as scout and when wounded, as aforesaid, in an actual engagement with the enemy.

"Your committee have, in several instances, recommended relief in cases of this character, where the disability or injury was received by the scout in an actual engagement with the enemy. They think such cases constitute a proper exception and come within the spirit of the law. The committee accordingly report back the bill to the Senate with the recommendation that it be passed."

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

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M. MCCHESNEY.

Mr. KEAN. Mr. Chairman, I desire to call up a bill reported this evening (H. R. 7863), granting a pension to Thomas M. McChesney, with amendments.

The amendments were read, as follows:

The committee propose to strike out the preamble, and to make the bill read thus:

*"Be it enacted, &c.,* That Thomas M. McChesney, of the township of Cranberry, in the county of Middlesex, in the State of New Jersey, shall be placed upon the list of invalid pensioners, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the service as an enlisted man in Company N, Ninth New Jersey Volunteers."

The amendments were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CORYDON MILLARD.

Mr. SUMNER, of Wisconsin. Mr. Chairman, I call up the bill (H. R. 6505) granting a pension to Corydon Millard.

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 Corydon Millard, formerly a chaplain in the United States heavy artillery, at the rate of \$20 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6505) granting a pension to Corydon Millard, having had the same under consideration, hereby submit the following report:

The claimant, Corydon Millard, enlisted and acted as chaplain of the Fourth United States Heavy Artillery Volunteers, from 1861 to 1866, when he was honorably discharged. He was in active service about four years.

He had a broken leg when he enlisted—that is, his leg had been broken—and he had so far recovered that he appeared to be entirely well, but his application for enlistment was held in abeyance on that account for about two weeks before he was accepted. At various times during his service he suffered from lameness and severe pains in the broken limb, resulting several times in running sores and great prostration, on account of long-continued and severe exertion and exposure. These conditions grew upon him until his disability was quite marked, and of an aggravated character at the time of his discharge. This disability has never left him, and he is now greatly if not totally disabled. He is 65 years of age, entirely without means of support, and unable to earn his living by manual labor.

The Pension Office can not grant him a pension, on account of his prior unsoundness, and therefore he asks relief by special act of Congress.

While his disability had its origin in the injury received before his enlistment, we are of the opinion that his four years of constant service, with the consequent exposure and hardships, must have added greatly to his disability.

Wherefore your committee recommend the passage of said bill, provided, however, that the same be amended by inserting therein the words "twenty dollars," after the word "of," in line 6 thereof.

Mr. HEWITT, of Alabama. Mr. Chairman, I would like to ask the gentleman in charge of this bill why this claimant could not obtain a pension under the general law? Why was it necessary to come here and ask a special bill?

Mr. SUMNER, of Wisconsin. The claimant enlisted in 1861 and served until 1866, over four years. While a boy one of his limbs was broken. He recovered entirely, apparently, from that injury, enlisted and was accepted by the Army surgeons, and served the period I have mentioned. But from the fact that he had received this injury before he enlisted the Pension Office can not grant him a pension; hence the necessity for this act.

Mr. HEWITT, of Alabama. It is put upon the ground that he was injured before he went into the service.

Mr. SUMNER, of Wisconsin. Yes; but he was accepted and served four years. The disability is unquestioned.

The amendments recommended by the committee were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA SPELLEN.

Mr. SMITH, of Iowa. Mr. Chairman, I call up the bill (H. R. 7418) for the relief of Maria Spellen.

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 restore to the pension-roll the name of Maria Spellen, widow of Barnard Spellen, late a member of Company M, Ninth Regiment New York Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. BEAN.

Mr. BAGLEY. Mr. Chairman, I call up the bill (H. R. 1710) granting a pension to George W. Bean.

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 George W. Bean, late a private in Capt. P. W. Conover's company of Utah militia.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1710) granting a pension to George W. Bean, beg leave to submit the following report:

The evidence in this case shows, to the entire satisfaction of the committee, that about July, 1849, one Capt. P. W. Conover organized in Utah Territory a militia company for the purpose of defending the people of that section of the country against attacks from Indians which were then threatened.

The company elected officers and was armed in part and by order of Brigham Young, then assuming to be and to act as governor of said Territory, with an iron field-piece, six pound caliber. This company is shown to have co-operated with the United States troops then under command of Captain Stansbury, Topographical Engineers, United States Army, and Lieut. J. W. Gunnison, United States Army, and was part of the time at least under the command of one or both of said officers; that while said company was thus co-operating with said United States troops, and under the direction and command of its officers, a fight occurred with the Indians at or near Fort Provo, lasting about three days; that subsequent thereto there were several other fights with the Indians, in which said company participated, and lost two killed and several wounded.

That about August, 1849, said militia company built a bastion on an elevated place within Fort Provo, and mounted it with their six-pound gun. That about September 1, 1849, while said militia company was occupying said bastion at Fort Provo, the Indians opened fire upon some men in the settlement, and gave evidence of a purpose to attack the settlement and fort. This soldier, Bean, was detailed to assist in manning the cannon, and at the second discharge it exploded, wounding him dangerously in the arms and thigh and other places, making necessary the amputation of his left arm below the elbow, which amputation was performed by Surgeon Blake, United States Army, then with Captain Stansbury's command. These are facts substantiated by Captain Conover, Lieutenant Thomas, and several members of the company.

In December, 1882, Bean applied for a land-warrant, alleging his service as above narrated.

This claim was rejected May 14, 1884, "on the ground that the service of Captain Conover's company, in which claimant alleged he served, is not sufficient to entitle him to a bounty-land warrant under act of 1852, which requires thirty days' service, nor under act of 1855, because service was not rendered in a recognized war."

The examiner who passed upon the application found that Captain Conover's company, Utah militia, was in service from February 4 to February 19, 1850, but that no other rolls of said company for 1849 and later than February, 1850, are on file in the Second Auditor's Office, and the Auditor so reports.

In explanation of this it is quite clearly shown by an affidavit of Captain Conover and some of his company that a new muster-roll was made out during the first part of 1850 and sent to Washington, and that the names of those who had been either killed or wounded or were left off this roll, and the places of those left off were filled by others who thereafter served with the company.

The Second Auditor, in replying to an inquiry from the Pension Office, under date of May 5, 1884, refers to the "pay-rolls" of Capt. Peter W. Conover's company, and gives the names of a number of the company, some or all of whom made affidavits in the case of the application for a bounty-land warrant.

Your committee find that while the original organization of the militia company may not have been fully authorized by law, yet that it was organized, did service in assisting in repelling Indian attacks, co-operated with United States troops, and part of the time, at least, under the control of United States officers, and that finally it was recognized by the national authorities, and payment for services made to the members appearing on the pay-roll; therefore your committee think Bean should be placed on the pension-rolls, subject to the provisions and limitations of the pension laws, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.



DAVID T. HOOVER.

Mr. CULLEN. Mr. Chairman, I call up the bill (S. 2514) granting a pension to David T. Hoover.

The bill was read, as follows:

*Be it enacted, etc.,* 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 David T. Hoover, late a private in Company H, Fifty-sixth Pennsylvania Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD KRAEMER.

Mr. HITT. I call up the bill (H. R. 1873) for the relief of Edward Kraemer.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Edward Kraemer, formerly a member of Company F, Twelfth Regiment, Illinois State Volunteers, to \$24 per month.

The report (by Mr. CULLEN) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1873) for the relief of Edward Kraemer, having had the same under consideration, would make the following report:

Edward Kraemer enlisted as a private in Company F, Twelfth Regiment Illinois Volunteers, August 3, 1861. On or about February 25, 1865, at Sister's Ferry, Ga., he was injured while detailed on fatigue duty by the falling of a tree, which broke his left arm, four of his ribs, and injured his head and left shoulder. He was unable to perform military duty afterward on account of said injuries, and was discharged from service June 30, 1865. He was pensioned at \$8 per month, and afterward reduced to the rating of \$4 per month. He filed requisite proof of soundness prior to enlistment and injury received in service, and records show his treatment in hospital during service. His application for increase was rejected December 24, 1879.

The affidavit of Dr. August Weirich shows that he treated him some time; that said Kraemer is a temperate man; that his right frontal bone was fractured and depressing on his brain, causing neuralgic pains constantly; that he is affected with paralysis of the arm; has several ribs fractured, and is subject to severe, incurable ophthalmia.

The affidavit of Dr. Edward D. Kiltce, late medical inspector of the United States Army, shows that he has been the family physician of said Kraemer since discharge, and he has now become partially insane; that his right side is paralyzed, and he is for the most part confined to his bed and is entirely disabled from work.

The affidavit of Dr. B. F. Fowler, late examining surgeon, shows total disability of said Kraemer.

Your committee have to report that, inasmuch as the law allows a pension of \$72 per month to a man totally disabled and confined to his bed, needing attention, this claimant should receive the amount asked for in the bill, which is only one-third of that sum. The affidavits of these physicians show that he is almost totally disabled and confined to his bed.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JOHN K. COOKE.

Mr. HEWITT, of Alabama. I call up the bill (H. R. 7231) to remove the disabilities of John K. Cooke.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND HUSCHER.

Mr. STOCKSLAGER. I again call up the bill (H. R. 8048) to increase the pension of Ferdinand Huscher. The bill has already been read this evening.

The amendment reported by the Committee on Invalid Pensions, to strike out in the body of the bill and in the title the word "Huscher" and insert "Hercher," was read and agreed to.

Mr. HEWITT, of Alabama. I hope the gentleman from Indiana [Mr. STOCKSLAGER] will give some reason for the passage of this bill.

Mr. STOCKSLAGER. This man served sixteen years in the Army—three years during the war and almost continuously afterward in the regular Army. He is drawing a very small pension for a gunshot wound. During his service he contracted a disease of the liver from which he is now suffering. He is in a very dangerous condition. I know the man very well. I have seen him within the last ten days.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a recommendation that it do pass.

There being no objection, it was ordered accordingly.

STEPHEN SAUER.

Mr. HOUK. I call up the bill (H. R. 7417) for the relief of Stephen Sauer.

The bill was read, as follows:

*Be it enacted, etc.,* 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 Stephen Sauer, father of George Sauer, deceased, who was formerly a private in the Fourth Battery Wisconsin State Volunteers.

The report (by Mr. HOLMES) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7417) for the relief of Stephen Sauer, having considered the same, report as follows:

Stephen Sauer, the applicant, asks a pension as the dependent father of George Sauer, who enlisted as a private in the Fourth Battery, Wisconsin Volunteers, on the 18th of September, 1861, and died in the service of typhoid fever, at Fortress Monroe, in September, 1864. At the time of his death the soldier had never been

married. There is no question that the soldier died in the service in the line of duty. He enlisted when about twenty years of age. The application of the father, Stephen Sauer, was rejected by the Pension Office on the ground that "at the time of the soldier's death the claimant was not dependent upon the son for support, as he had enough means for that purpose, and did support himself and family before and after the son enlisted." The mother of the deceased soldier, and wife of the applicant, died about a year after the soldier's birth. Claimant was married the second time.

The evidence in this case shows that the claimant is possessed of from \$725 to \$1,000 worth of property; that his income has not exceeded from \$75 to \$100 per year, and that for twenty-four years he has been suffering from disease of the heart, rendering him almost entirely incapacitated for the performance of manual labor. It is shown by the record also that the soldier remitted money to his father at different times as the result of his labor before enlistment, and as part of his pay while in the service, which is corroborated by the testimony of the farmer for whom the son worked and the agent of the express company who received it and delivered it to the father. It now appears that the second wife of the claimant is obliged to do washing to assist in supporting the family, as well as other manual labor. At the time the evidence was taken he had one sick daughter at home.

In the opinion of your committee the case presented by the claimant is one that should be favorably considered. The evidence is somewhat conflicting as regards his age, making it anywhere from 70 to 80 years. The necessities that compel his wife to do washing and support him in addition to herself appeal to your committee strongly as one presenting strong equities, and after giving the son to the service of his country, and who served about three years and died in the service, thus depriving him of the staff of his old age, your committee think that the Government should do no less than to provide a partial support for the father in his declining years. Your committee recommend that the bill be amended by inserting in the sixth line thereof, after the words "Stephen Sauer," the word "dependent." With this amendment, and upon the grounds herein stated, your committee report the bill back to the House favorably, with the recommendation that it do pass.

The amendment reported by the Committee on Invalid Pensions, to insert before the word "father," in line 6, the word "dependent," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE LEVERON.

Mr. WINANS, of Michigan. I call up the bill (H. R. 301) granting a pension to Theodore Leveron.

The bill was read, as follows:

*Be it enacted, etc.,* 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 Theodore Leveron, late a private in Company M, Third Regiment Kentucky Cavalry Volunteers.

The report (by Mr. MATSON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 301) granting a pension to Theodore Leveron, respectfully report:

That Theodore Leveron enlisted in the military service of the United States as a private in Company M, Third Regiment Kentucky Cavalry Volunteer Cavalry, October 11, 1861, and was honorably discharged August 3, 1865.

May 2, 1874, he filed a declaration for pension, alleging gunshot wound of left arm, received at Hopkinsville, Ky., July 20, 1863—was also thrown from his horse at Cadiz, Ky., in the fall of 1863, causing injuries of the head—which was rejected February 27, 1883, as to gunshot wound, on the ground that soldier was not in line of duty at the time of receiving said injury, and no pensionable disability from injury to head since discharge.

It appears from the evidence in the case that the soldier had an altercation with a citizen at a place of amusement in Hopkinsville, Ky., on or about the 20th day of June, 1863. The next day after this, as soldier was passing the place of business of the citizen, Savage by name, he came out and caught the soldier by the collar, and shot him with a pistol which he held in his right hand. At the time of the shooting soldier was detailed as messenger at the military telegraph office, and was on his way to his breakfast at the time he was assaulted and shot. The citizen was arrested by the military authorities, but whether he was placed on trial for the offense is not disclosed by the evidence.

Capt. Albert Slov, of Vincennes, Ind., testifies (November 9, 1882) that he was captain of claimant's company in the service, and corroborates the statements of claimant from facts gathered at the time of the shooting, and to seeing the wound after its infliction.

John P. Kullehn, of Wheatland, Knox County, Indiana, testifies (November 9, 1882) to the fact that he was a member of claimant's company and regiment, and to the shooting of the soldier by Savage at Hopkinsville, as indicated by other details; did not see the shooting, but heard of it immediately after its occurrence.

C. P. Hollingsworth, of Bruceville, Knox County, Indiana, testifies (November 9, 1882) that he was the first lieutenant of claimant's company, and to the fact of the wounding of the soldier by Savage at Hopkinsville, as indicated by other witnesses; that the shooting was without provocation on the part of claimant; that he believes that said shot was given solely because Leveron was a Federal soldier.

Claimant was on detached duty at the time he was shot, and under regular orders.

We think the evidence in the case justifies the conclusion that the soldier was shot by the citizen, Savage, while in the line of duty, and that the controversy was not provoked or encouraged by the soldier, and that the injury to the claimant is clearly due to his military service, and that he should receive a pension, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LIEUT. NATHANIEL JOHNSON COFFIN.

Mr. HAYNES. I call up the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid, out of any money in the United States Treasury not otherwise appropriated, arrears of pension to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry in the late war of the rebellion, in accordance with section 4701, pension laws, and that this act shall be construed as extending to the time of his discharge at Fort Adams, Rhode Island, as a sergeant of Company H, Ninth United States Infantry, in the war with Mexico, on the 22d day of August, 1848.

The report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin, submit the following report:

Lieutenant Coffin is a hero of two wars, and his physical and mental condition entitles him to the kind consideration of his country. May 4, 1847, he enlisted for service in the Mexican war. He served as a private until the war ended, and received a medal for gallant conduct at the storming of Chapultepec. An honorable discharge was given him August 2, 1848. Lieutenant Coffin again enlisted, September 27, 1862, as a private in Company K (Capt. M. T. Betton), Thirteenth Regiment New Hampshire Volunteers, to serve in the late rebellion. He was promoted to be first lieutenant of said Company K early in 1863. Afterward, in May, 1863, while stationed with his company on the banks of the Nansemond River, in Virginia, to check the enemy's advance on Norfolk, he received a wound on the skull, which probably caused a pressure of bone on the brain.

This wound, it is claimed, induced severe and continued pains in the head, mental confusion, and a partial loss of memory for several years. At any rate, in consequence thereof, Lieutenant Coffin resigned his command and was honorably discharged June 9, 1863, at Fortress Monroe.

There is in evidence an affidavit of Captain Betton, commanding Company K, Thirteenth New Hampshire Volunteer Infantry, who states that Lieutenant Coffin was of sound body and mind at the time he was mustered into service; that—

"When he was discharged he was subject to insanity, and other ways sick in quarters, from injuries received while in the performance of his duties on picket on Nansemond River, in Virginia, in May, 1863, when Norfolk was threatened by the enemy; that said N. J. Coffin, then promoted to first lieutenant under my command, was seriously wounded on the head at the above-mentioned time while in the performance of his duty in actual service."

Benjamin F. Winn swears that he—

"Was a subordinate officer under Lieut. Nathaniel J. Coffin while picketing on the Nansemond River, in Virginia, and herein state that said lieutenant was wounded on the head in an engagement on the picket line in the month of May, A. D. 1863."

The Senate Committee on Pensions, during the first session of the Forty-seventh Congress, made an extended report on this worthy case, the voluminous facts thereof being well condensed. The Senate report concludes as follows:

The fact seems to be that claimant is demented to an extent of incapacity; that there appears to be reliable evidence of his being sound mentally and physically at the time he was mustered into service, and became demented while in such service from his wounds in the head or otherwise. The medical evidence regarding his wounds is to the effect that he bears scars on the spot of the alleged wound, but the physicians are unable to say how such scars were received, whether from a wound in battle or not; that a portion of the bone seems to press on the brain, and that the claimant is very sensitive to any pressure upon this spot. There is an uncertainty existing as to how he received his wounds, as the claimant himself can only say that he was wounded in some way while on the above-stated picket duty, and became insensible at that time; can give no particulars in the premises as to how the wound was received, but alleges having been wounded at the time and place designated.

There is a mass of affidavits and other facts which leave no doubt of the justice of Lieutenant Coffin's claims. He lost his health in the service, and now in his old age is entirely unable to earn a living. The committee therefore recommend the passage of the bill, with an amendment increasing his pension to \$20 a month.

The substitute reported by the Committee on Invalid Pensions was read and agreed to, as follows:

That the pension now granted to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry, in the late war of the rebellion, be, and the same is hereby, increased to \$20 per month.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BEDELL, SR.

Mr. ROSECRANS. I call up the bill (H. R. 2327) for the relief of James Bedell, sr.

The bill was read, as follows:

*Be it enacted, &c.*, That the claim of James Bedell, sr., for a pension on account of the death of Samuel Umstead, a soldier of Company G, Sixty-seventh Regiment Indiana Infantry Volunteers, shall be heard and determined by the Commissioner of Pensions in all respects as if the said Samuel Umstead had been the son of said James Bedell, sr., as for the purposes of said pension application he shall be taken to be.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill S. 2327, having had the same under consideration, beg leave to report as follows:

The effect of the Senate bill as passed is to give to the claimant arrears of pension. He has never had any title to a pension. This committee and the House have refused to give arrears by special act in all cases except where it has been shown that by some fault or negligence of an officer of the Government the right to arrears has been taken away from the claimant. We believe James Bedell, sr., should be pensioned as the dependent father of Samuel Umstead, as he was, to use the language of the Senate report, to all intents and purposes his father; but to avoid giving arrears in a case where we think it would not be proper to give arrears, we report back the said Senate bill and ask the adoption of the accompanying amendment in the nature of a substitute.

Mr. MATSON. There is an amendment to that bill in the form of a substitute.

The CHAIRMAN. It is not in the possession of the Clerk. The bill will for the present be passed over informally, to be taken up again when the substitute has been found.

ISABELLA TURNER.

Mr. BINGHAM. I call up the bill (S. 2009) granting a pension to Isabella Turner.

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 Isabella Turner, widow of Oscar D. Turner, late a sergeant of Company I, Twenty-third Regiment of Maine Volunteers, on the pension-roll, and to pay her a pension from the death of her husband, March 14, 1882, subject to the general pension laws should she again marry, and as to the rate of pension.

The report (by Mr. RAY, of New Hampshire) is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2009, granting a pension to Isabella Turner, widow of Oscar D. Turner, late sergeant

Company I, Twenty-third Regiment Maine Volunteers, have examined the same, and report favorably, recommending the passage of the same, with an amendment by striking out the words "and to pay her a pension from the death of her husband, March 14, 1882."

The evidence shows that the soldier contracted chronic diarrhea and other disability in the service, in line of duty, which ruined his constitution, and that ever afterward he was greatly enfeebled and disabled from manual labor; that his power to resist disease was diminished thereby, so that he yielded to a slight attack of cold, which resulted in pneumonia, of which he died March, 1882.

The widow is left without means of support, and the evidence satisfies your committee that the real cause of his death was contracted in the service. It is a just case for relief.

The amendment reported by the Committee on Invalid Pensions to strike out the words "and to pay her a pension from the death of her husband, March 14, 1882," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET B. HARWOOD.

Mr. BREWER, of New York. I call up the bill (H. R. 7513) granting a pension to Margaret B. Harwood.

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 Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of \$50 a month from and after the passage of this act.

The report (by Mr. ROBINSON, of New York) is as follows:

The Committee on Pensions, to whom was referred bill H. R. 7513, after duly considering it, reported it back, recommending its passage on the following statement of facts:

Rear-Admiral Andrew A. Harwood entered the Navy January 1, 1818, and died August 28, 1884, having been over sixty-six years in the service, during which period the Department states that "his personal and official records are unblemished."

The Navy Register shows that he was on active duty, either afloat or on shore, forty-one years.

Early in his career he attracted the attention and secured the esteem of two of the most distinguished and gallant officers in our naval history.

As a midshipman, under the command of the celebrated Commodore David Porter, he assisted in the capture of a piratical schooner and her barge in the West Indies. The present head of the Navy, Admiral Porter, then a boy of ten, was with his father at the time, and authorizes the statement that his favorable knowledge of Admiral Harwood began at that time, and continued through the whole course of a service always useful and efficient, and in many respects highly creditable and valuable in its character.

The details of that service are given in the subjoined papers, which include the memorial of his widow asking for a pension, marked A, supported by statements from the Navy Department, B and C; from Commodore Luce, D; Admiral Porter, part of D; Medical Director Lansdale, E; and Lieutenant Kimball, F.

From these papers it appears that Admiral Harwood was a lineal descendant of Benjamin Franklin. That, inheriting from his ancestor industrious habits and a thirst for knowledge, he devoted himself at an early period in his professional life to the ordnance branch of the service with so much zeal and efficiency that he was sent to Europe in 1844 as a member of commission to visit the foundries and dock-yards of England and France; was afterward member of a board to prepare ordnance instructions for the Navy, and to make the necessary investigations and experiments. With occasional intermissions he continued on ordnance duty, having charge of the Bureau of Ordnance and Hydrography during the first years of the war, until assigned to a more active sphere in command of the Washington navy-yard, and of the Potomac flotilla, which held the long line of the Potomac against the confederate forces.

Of the value of his ordnance services the naval officers whose testimony is subjoined speak in strong terms. "There is no doubt," says Commodore Luce, "that the high character of the ordnance of the United States Navy and of the gunnery of that day (1858-'61) was due in a very great degree to the labors of the board of which he was an active member." Many details showing the nature and value of his ordnance services appear in the statement of Lieutenant Kimball.

Subsequently, while employed on light-house duty, and after he had been placed on the retired-list, he devoted his leisure hours to the preparation of his book on "Naval Courts-Martial," which, in the language of Commodore Luce, "at once took a high position as a standard authority." It "is followed in all military trials in the Navy," says Lieutenant Kimball, who regards it as the beginning of a new era in such trials.

The thorough knowledge of military courts indicated in his book led to his assignment, at the suggestion of Admiral Porter, to do duty as Judge-Advocate-General of the Navy, the last active employment in which he was engaged.

The report from your committee of March 1, 1884 (H. R. 608, first session Forty-eighth Congress), contains a list of cases in which pensions have been granted to widows of naval officers. To that list may be added the widows of Rear-Admirals McDougal, Beaumont, Middleton, Stribling, and Sands, and of Commodore Watson, to each of whom a pension of \$50 a month was given by acts passed during the first session of the present Congress.

Satisfied that Mrs. Harwood is in needy circumstances, and that her case is quite as strong as any of those above referred to, your committee recommend the passage of the bill.

To the Senate and House of Representatives of the United States:

The memorial of the undersigned, Margaret B. Harwood, respectfully sheweth—

That she is the widow of the late Rear-Admiral Andrew A. Harwood, of the United States Navy.

That the said Harwood was born on the 8th October, 1802; entered the Navy, as midshipman on the 1st of January, 1818, and died on the 28th August, 1884.

That during his unbroken connection of sixty-six years with the service his official and personal records were, in the language of the official order announcing his death, "unblemished."

That the Navy Register shows that he was employed in active service more than forty-one years.

That the several papers herewith submitted show:

1. That while a midshipman he was on duty, first, in suppressing the slave trade on the coast of Africa, and afterward, under the late Commodore David Porter, in cruising against pirates in the West Indies, having assisted in the capture of a piratical schooner and her barge.

2. That early in his professional career he devoted himself to the study of ordnance, beginning when that branch of the naval service was in its infancy, and adhering to it and becoming identified with it to such an extent that when



the late war commenced the Ordnance Bureau of the Navy was committed to his charge.

While on ordnance duty, in 1844, he was member of commission to visit the dock-yards and foundries of England and France, and to report on improvements in naval gunnery. As a consequence of the report of this commission, he was appointed member of a board to prepare the ordnance instructions of the Navy, and to make the necessary investigations and experiments.

He was subsequently member of a board to revise ordnance instructions. Referring to this latter duty, an officer well qualified to judge says: "There is no doubt that the high character of the ordnance of the United States Navy, and the excellence of the gunnery practice of that day was due in a very great measure to the labors of the board of which he was an active member." (See outline, subjoined, No. 3.)

During the first year of the war he was Chief of the Bureau of Ordnance, from which he was transferred to the then important command of the Washington navy-yard, and of the Potomac flotilla, holding in the latter capacity the long line of the Potomac against the confederate forces.

3. He was subsequently assigned to duty on the Light-House Board, on which he continued nearly five years.

4. From the Light-House Board he was taken to perform the duties of Judge-Advocate General of the Navy, a position he held until 1st October, 1871.

While on light-house duty, after he had been placed on the retired-list, he devoted his leisure hours to the preparation of his work on naval courts-martial, which is referred to in the accompanying documents (Nos. 3 and 5) as a "work which at once took a high position as a standard authority," "followed in all military trials in the Navy."

Your memorialist respectfully calls attention to the fact that her late husband, though frugal, self-sacrificing, and economical in his habits, left very little property, not enough for the maintenance of his widow, his unmarried daughter, and several grandchildren who are in a dependent condition.

Your memorialist therefore prays that a pension of \$50 a month be granted her, being the same amount allowed the widows of other officers whose rank was the same as that of her late husband.

In support of the various averments and allegations herein above set forth, your memorialist begs leave to refer to the following papers herewith submitted:

1. General order of the Navy Department announcing the death of Admiral Harwood.
2. Transcript from records of Navy Department, indicating services of Admiral Harwood.
3. Outline of Admiral Harwood's official career, prepared by Commodore S. B. Luce, and indorsed by Admiral Porter.
4. Statement of Medical Director Philip Lansdale, U. S. N.
5. Statement of Lieut. W. W. Kimball, U. S. N.

And your memorialist will ever pray, &c.

MARGARET B. HARWOOD.

B.

#### GENERAL ORDER.

NAVY DEPARTMENT, Washington, September 3, 1884.

The Department announces with regret to the Navy and Marine Corps the death, on the 28th ultimo, at Marion, Mass., of Rear-Admiral Andrew A. Harwood, United States Navy, in the eighty-second year of his age.

Rear-Admiral Harwood was born October 9, 1802; appointed a midshipman from the State of Pennsylvania January 1, 1818; commissioned a lieutenant March 3, 1827; a commander, October 2, 1848; a captain, September 14, 1855; a commodore, July 16, 1862; and a rear-admiral, on the retired-list, February 16, 1869.

He was appointed Chief of the Bureau of Ordnance and Hydrography August 6, 1861, and served as such until July 22, 1862, when ordered to command the Washington navy-yard. While holding the latter position he also commanded, until December 18, 1863, the Potomac flotilla. In these, as in other positions to which he was assigned, on account of his special fitness, he served with credit and efficiency. His official and personal records are unblemished.

As a mark of respect to his memory it is hereby ordered that, on the day after the receipt hereof, the flags of the navy-yards and vessels in commission be displayed at half-mast from sunrise to sunset, and thirteen minute-guns fired at noon from the navy-yards and flag-ships on stations.

EARL ENGLISH,  
Acting Secretary of Navy.

C.

Abstract of Admiral Harwood's record, taken from Navy Department records.

Andrew A. Harwood was appointed a midshipman in the Navy January 1, 1818.

April 20, 1818, was ordered to the Saranac.  
February 28, 1822, was ordered to duty in Philadelphia.  
December 30, 1822, was detached and ordered to Norfolk, Va.  
September 10, 1823, was ordered to Philadelphia.  
March 15, 1824, granted six months' leave of absence.  
July 26, 1824, ordered to the Constitution.  
October 23, 1827, detached and ordered to examination preliminary to promotion.

December 12, 1827, granted leave of absence.  
February 21, 1828, was commissioned as a lieutenant from March 3, 1827.  
October 27, 1828, ordered to the receiving ship at Philadelphia; March 18, 1830, he was detached and granted six months' leave.

August 23, 1831, ordered to the navy-yard, New York; May 30, 1832, he was detached and ordered to the United States; August 27, 1833, he was detached and granted leave of absence.

June 10, 1834, ordered to the Erie; June 19, 1834, the previous order was revoked, and granted furlough for one year.

July 31, 1835, was ordered to the Constitution for duty on board the Shark; January 25, 1838, was detached and granted leave of absence.

April 3, 1840, ordered to special duty under Capt. M. C. Perry.

May 3, 1843, ordered to duty in the Bureau of Ordnance and Hydrography;

October 7, 1848, was commissioned as commander from October 2, 1848.

October 18, 1852, detached from ordnance duty and ordered to the Mediterranean squadron; July 2, 1855, detached from command of the Cumberland and granted leave of absence.

October 8, 1855, was commissioned as a captain from September 14, 1855.

September 10, 1858, ordered as inspector of ordnance at navy-yard, Washington.

April 24, 1861, detached and ordered as temporary chief of Bureau of Ordnance.

August 19, 1861, was appointed chief of the Bureau of Ordnance; July 22, 1862, detached and ordered to command the navy-yard, Washington, D. C.

August 4, 1862, promoted to commodore on the active-list from July 16, 1862.

December 7, 1863, detached from command of the navy-yard, Washington, 21st instant.

December 18, 1863, detached from command of the Potomac flotilla.

July 6, 1864, ordered as secretary of the Light-House Board.

October 9, 1864, was placed on the retired-list.

February 20, 1869, commissioned as rear-admiral on the retired-list.

March 29, 1869, detached from the Light-House Board and placed on waiting orders; March 30, 1869, ordered as member of a court at Washington, D. C.; September 20, 1869, detached and ordered to special duty at the Department; September 29, 1870, detached.

October 11, 1870, appointed Judge-Advocate of the Navy.

October 1, 1871, detached and placed on waiting orders.

He died at Marion, Mass., on the 28th of August, 1884.

D.

Outline of Admiral Harwood's official career, by Commodore S. B. Luce.

Harwood, Rear-Admiral Andrew Allen, United States Navy. Son of John Edmund Harwood and Elizabeth Franklin Bache, granddaughter of Dr. Benjamin Franklin. Born in 1802, in Bucks County, Pennsylvania.

Appointed midshipman in the United States Navy in 1818, his first vessel being the gunboat Saranac.

His next service was on board the sloop of war Hornet, from 1819 to 1821, engaged in cruising in the West Indies, for the suppression of piracy and the slave trade.

In 1823 he was on board the Sea Gull, serving with the barges belonging to the expedition of Commodore David Porter against the pirates. On July 3 of that year assisted in the capture of the piratical schooner Catalina, of three guns, and her barge, by the barges of the Gallinipper and Mosquito.

In 1844 he was on ordnance duty, during which time he was appointed member of a commission to visit the dock-yards and foundries of England and France, and to report on improvements in ordnance and naval gunnery. As a consequence of the report of the commission he was appointed member of a board to prepare the ordnance instructions for the United States Navy and to make the necessary investigations and experiments. Subsequently, 1855-'61, he was again on ordnance duty and member of a board to revise ordnance instructions and to prepare a new edition, with a view to bringing the work up to the times. There is no doubt that the high character of the ordnance of the United States Navy and the excellence of the gunnery practice of that day was due in a very great measure to the labors of the board of which he was an active member.

August 6, 1861, he became chief of the Bureau of Ordnance and Hydrography; 1862, in command of Washington navy-yard and Potomac flotilla.

Again, he was secretary of the Light-House Board, member of examining board, and for a time occupied an office analogous to that of Judge-Advocate-General. It was while on light-house service that he produced his work on Naval Courts-Martial, in which he presented, in a "collective and concise form, the leading principles of military jurisprudence, together with the distinguishing laws and regulations which govern the practice of United States naval courts-martial." This work, which at once took a high place as a standard authority, is noted for its scholarly style and thoroughness of construction. It may not be out of place to remark, however, that owing to the very limited demand for works of that character it was not a financial success.

For the generation to which he belonged Rear-Admiral Harwood was an officer of unusual attainments and exhibited in an eminent degree the character of a Christian gentleman in all the varied relations of life.

S. B. LUCE, United States Navy.

I cheerfully subscribe to the above, and am of the opinion that no officer's widow is better entitled to a pension than Mrs. Harwood.

DAVID D. PORTER, Admiral.

E.

WASHINGTON, D. C., December 1, 1884.

I was intimately acquainted with the late Admiral A. A. Harwood for about forty years. He was a thorough gentleman in every sense of the word, a consistent Christian, a most loyal citizen, and, as an officer of the Navy, one who set a worthy example in his strict attention to duty as a subordinate, and an intelligent and temperate exercise of his authority as a commanding officer.

Admiral Harwood inherited from his grandfather, Benjamin Franklin, a love of study and an aptitude for scientific knowledge which made his services of peculiar value to the Navy. After having attained, by voluntary training, an education much beyond that of the naval officers of his generation, he made a special study of ordnance, and was one of the earliest and most efficient of the officers who aided in the development of that most important branch of scientific warfare. His distinguished services in that direction caused him to be selected as Chief of the Ordnance Bureau.

In his work on courts-martial, now a standard authority, he has left a monument which will be a worthy memento of his intelligence and industry.

During the late civil war Admiral Harwood held a most important position—that of commandant of the Potomac flotilla, holding the long line of the Potomac against the confederate forces.

Having thus served his country most actively and efficiently, both in peace and in war, during a long life, he has died, leaving his family very insufficiently provided for.

P. LANSDALE,  
Medical Director, U. S. N.

F.

Letter from Lieut. W. W. Kimball.

U. S. S. TENNESSEE, New York, December 15, 1884.

MY DEAR MR. LUCE: To me it is apparent that even such a brief and imperfect summary of his record as I can give from references at hand will show that the Government of the United States is deeply indebted to the late Rear-Admiral A. A. Harwood for his continuous, brilliantly able, and entirely unselfish efforts in behalf of his country during the fifty-four years he served her on duty in the Navy.

Entering upon his naval career as a midshipman January 1, 1818, he was at once ordered to arduous and dangerous duty in cruising on the coast of Africa, where, escaping the worst effects of the deadly climate, he served three years, and was then selected as one of the officers of Porter's expedition against the West India pirates, an expedition that in suppressing the horrors of piracy on and near our own coast was of almost inestimable value to the commerce of the United States and of the world.

It was during the two years of this service that Midshipman Harwood distinguished himself in the action at Signapa Bay, which resulted in the capture of the piratical schooner Catalina and her barge by the barges Gallinipper and Mosquito.

For the succeeding ten years he was doing routine duty afloat and ashore, but doing it in such a way that he was marked among his associates for his extraordinary abilities and unswerving devotion to duty, and was in 1833 distinguished by his flag officer by being detailed as special messenger to take to the United States from Naples the ratified treaty with that power.

A few years later he began the work of improving the material and reorganizing the service of the ordnance of the Navy, a work which he followed unremittingly for twenty years, and which resulted in the greatest benefit to the country.

In 1840 the ordnance of the Navy was crude, lacked power for weight of metal carried, and the guns were served very much according to the ideas of the individual commanding officers; and it was mainly by the efforts of Lieutenant Harwood that this condition of affairs was remedied. He first experimented upon the guns and projectiles until he attained a standard that determined the composition of ships' batteries, and fixed a rule of inspection, and it was during this work that he was sent to Europe to investigate and report upon the condition of ordnance there. Afterward, associated with Farragut, he prepared a system of ordnance instructions, which made exercises, drills, and inspections uniform, and vastly improved the service of the guns. To Harwood the Navy owes that system of ordnance which, later on, further developed by Dahlgren and others, showed such wonderful results as were attained during the war of the rebellion.

His extraordinary abilities as an ordnance officer were recognized by the Navy Department, and when that war came he was the man selected in those trying times to devise, procure, and arrange the arms with which the ships of the United States were to fight.

How well that duty was performed is now a matter of history. But the difficulties he overcame, and the pressing necessities of the country he successfully met, can hardly be imagined, much less overestimated.

After he had organized this work, and as soon as the strain brought on the Department by the first year of the war was relieved, his services were spared from the Bureau of Ordnance because they were required more directly against the enemy.

In July, 1862, he was placed in command of the Potomac flotilla and the Washington navy-yard, and it was to his efforts that was due that condition of things on the Potomac which made the flotilla such a terror to its enemies, and such a reliable defense for the national capital.

In 1864 Admiral Harwood was placed on the retired-list, in accordance with law, but his services were so valuable that he was employed on various special duties till 1872, eight years after retirement, when the law putting all retired officers off duty deprived the Department of his labors. It was during this latter part of his service that he wrote the work on courts-martial, which is at present the accepted authority followed in all military trials in the Navy. Before Harwood's work was published it was almost impossible in the time allowed for naval courts to properly inform themselves on points of law, precedent, and principle, and as a natural consequence much injustice resulted, sometimes in the direction of too great severity, and, again, in treating breaches of discipline with too great leniency.

It is to Harwood chiefly that the Navy of to-day owes that state of affairs which makes marked injustice in military matters impossible, gives every man, whatever his rank, his legal rights, and almost inevitably brings adequate punishment for military crime.

I have endeavored to designate in this letter some of the more prominent achievements of his extraordinary career; some of the successful efforts entirely above and beyond those in the line of duty that might have been expected of him in his character of an officer of the Navy, but I find it impossible to properly express the effect of his example upon the service.

Still, this may be imagined when one remembers that during his long naval career he always gave himself, and required from others, the strictest attention to duty, was continually using his brilliant abilities and attainments in behalf of his country, was in his intercourse with all a pattern of what an officer and a gentleman should be, and was the just and upright man that his great progenitor, Franklin, desired for a descendant.

His greatest fault as an officer was that his modesty prevented him from requiring his own rights, and thus deprived the service of an example where just reward followed a life of extraordinary effort.

Very, &c.,

WM. W. KIMBALL,  
Lieutenant, United States Navy.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH B. JACKSON.

Mr. CURTIN. There is a bill on the Speaker's table returned from the Senate with amendments. It is House bill 5800, for the relief of Sarah B. Jackson, which I would like to take up and put on its passage.

Mr. MATSON. That is a House bill on the Speaker's table returned with Senate amendments; and although I should like to have it considered, it can not be done this evening under the order of the House.

The CHAIRMAN. Only bills on the Private Calendar reported favorably from the Committee on Invalid Pensions or the Committee on Pensions can be considered at this evening session.

JANE BRENT.

Mr. WOLFORD. I ask to take up for consideration the bill (H. R. 7248) to increase the pension of Jane Brent.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Jane Brent, widow of James Brent, late captain of Company —, — Regiment of the Regular Army of the United States, to a rating of \$50 per month.

The amendments of the committee were read, as follows:

In line 4, insert "D." after "Jane." In line 5, strike out "James" and insert "Thomas L.;" also after word "Company," in same line, insert the word "Fourth.;" and after the word "Regiment," in the sixth line, insert the word "Artillery."

Amend the title so as to read: "A bill to increase the pension of Jane D. Brent."

Mr. HEWITT, of Alabama. I should like to ask the gentleman from Kentucky a question.

Mr. WOLFORD. This is a unanimous report.

Mr. HEWITT, of Alabama. I think not. I never voted for it.

Mr. WOLFORD. Read the report.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, having under consideration the bill (H. R. 7248) to increase the pension of Jane D. Brent, widow of Thomas L. Brent, beg leave to make the following report:

Capt. Thomas L. Brent graduated with honor at the Military Academy of the United States at West Point in 1835, and after this served in the Army twenty-three years, filling many offices with great distinction. He was engaged in the State of North Carolina in removing the Creek Indians; he was in the Florida war, and in the war with the Seminole Indians; in all of which he performed dangerous and laborious duties with credit and faithfully. He was in the war with Mexico, and at the battle of Buena Vista he greatly distinguished himself. General Scott had ordered almost all the troops away from General Taylor, believing that there would be no more fighting on that line, and a messenger with

a secret dispatch from General Scott to General Taylor, explaining why it was done, was killed, and the dispatch fell into the hands of the Mexicans.

Making no doubt of his ability to capture General Taylor, Santa Anna concentrated 22,000 soldiers and surrounded Taylor's 4,000 soldiers. He commenced his attack on Washington's battery, where Brent was in charge. The battery did great service, and, after considerable slaughter, repulsed the Mexicans and changed their direction. They were afterward repulsed by Davis and others, and, when in full retreat, Hardin of Illinois followed too far out of supporting distance, and was surrounded by the whole Mexican army. McKee of Kentucky went to his assistance, and both regiments were cut to pieces. Hardin, McKee, Clay, and a great many other officers and privates were killed, and the Illinois and Kentucky regiments would have been lost but for the wonderful exertions and great gallantry of Captain Brent. Our men were fighting their way back through the Mexicans, which brought them under the edge of Washington's battery; Captain Brent, with almost superhuman exertion, fired his gun with his own hand so fast and with such deadly aim that they were repulsed again.

As our men came in squads through the Mexican ranks and gained the open space, Brent would mount on his gun, motion to them with his hands to fall down, and fire over them, putting the match to the gun with his own hands. The enemy was fairly driven back, and our men were safe; and it is certain that none of them would have been saved but for that battery. For his gallant conduct, Captain Brent was promoted, but his wonderful exertions, and lying on the cold ground the following night, cost him his life; he was never well afterward, and the proof is clear that he died of disease contracted at that time in the line of his duty. He was afterward placed on easier duty and lingered until 1838, when he died in the service, at his post and while discharging his duty.

His widow, a lady in every way worthy of him, in the war with the seceding States, following the example of the "angels of Buena Vista," in 1861 left her father's home, who was a judge of the United States court and had plenty, and went into the hospitals, without receiving or desiring any compensation. Like a ministering angel, and with motherly care and Christian tenderness, day and night she nursed the sick and wounded soldiers until 1866. Many soldiers, kept alive by her gentle nursing and kind attention, will bless her, and ask God to bless her while they live, and dying will enjoin upon their children to remember her gratefully.

A petition is sent from Detroit, Mich., signed by many veteran soldiers, many United States officials, and many State officers, asking for an increase of pension for her, and speaking of her services to her country and to its soldiers as prompted by love of country and goodness of heart, and as without a parallel; and add that the history of Michigan would be incomplete without a favorable mention of these services. Soldiers write, saying, "God bless Mrs. Brent for her attention and care; we love her as we do our own mothers."

Mrs. Brent is now 60 years old, with one child, a daughter, living with her. She has been most unfortunate, and has no money or property left her, her pension being her only means of support. Wherefore we report the bill without amendment, with the opinion that it ought to pass.

Mr. HEWITT, of Alabama. As I understand it, this increase is based on the long and faithful service as nurse for this claimant.

Mr. WOLFORD. Certainly.

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JULIA T. SCOTT.

Mr. STRUBLE. I call up an act (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in the active service.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, directed to cause to be placed on the pension-roll the name of Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral and for forty-six years in the active service of the United States Navy, and to pay to the said Julia T. Scott, out of the naval pension fund, the sum of \$50 per month, subject to the rules and regulations of the Pension Office in like cases.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 526) granting a pension to Julia T. Scott, beg leave to submit the following report:

That they reaffirm the statement of facts as to the services of Rear-Admiral Scott presented by the Senate Committee on Pensions in the following language:

"Gustavus H. Scott was appointed midshipman in the United States Navy on August 1, 1828; was promoted to passed midshipman June 14, 1834, and on February 25, 1841, was advanced to the rank of lieutenant. December 27, 1856, he was promoted to commander. November 4, 1863, he was promoted to captain and assigned to the command of the De Soto. In 1864 he was placed on ordnance duty, then assigned to duty on the South Atlantic blockading squadron. On the 10th of February, 1869, he was commissioned as commodore, and on February 14, 1873, he was promoted to the rank of rear-admiral and ordered to the command of the North Atlantic Station. June 13, 1874, detached and placed on waiting orders, and on same date was placed on the retired-list. He died at Washington, D. C., on the 23d March, 1882. On the 1st of April, 1882, his widow, Julia T. Scott, filed her application for pension, alleging that her said husband had died "of disease contracted in the line of duty," and April 1, 1882, her application was allowed."

The services of this officer from the time he was appointed midshipman until he was placed on the retired-list, a period of nearly half a century, was faithful and honorable, and inasmuch as it was thus lengthy and creditable, and because, further, that the widows of other naval officers of similar rank, as your committee understand, have been granted similar favors at the hands of the Government, your committee think the Senate bill should become law, and therefore recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BEDELL, SR.

Mr. ROSECRANS. I call up again the bill (S. 2327) for the relief of James Bedell, sr.

Mr. MATSON. There is no necessity of reading that bill as it has already been read once this evening. I move the following amendment in the nature of a substitute for the bill.

The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and di-



referred to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

VIRGINIUS FREEMAN.

Mr. LIBBEY. I ask to take up the bill (H. R. 8032) to relieve the political disabilities of Virginus Freeman, of Virginia.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from Virginus Freeman, of Virginia.*

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

COL. SAMUEL M. THOMPSON.

Mr. STEVENS. I call up for consideration the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson.

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 Samuel M. Thompson, a private in the Mexican war under Col. E. D. Baker, and colonel of the Fourth Illinois Regiment of Volunteers in the Black Hawk war, and pay him a pension of \$25 per month, in lieu of that which he now receives.*

The report (by Mr. HEWITT, of Alabama) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson, adopt the report of the Senate committee, and recommend favorable consideration of the same, as follows:

"The papers on file in the Pension Office show that Samuel M. Thompson enlisted in Company D, Fourth Regiment Illinois Volunteers, at Springfield, Ill., on June 9, 1846, for service during the Mexican war, and was with his regiment until left at Matamoras on account of sickness, December 14, 1846. The records include a certificate of disability given by Surgeon William M. P. Quinn, United States Army, dated at 'Camp near Matamoras, December 11, 1846,' and recommending the soldier's discharge on account of 'debility from chronic rheumatism, jaundice, &c.' It is shown that the soldier was a sound, healthy man at enlistment, and that he has been disabled ever since his service in the Mexican war, having been unable to do any work much of the time, and having been pronounced incurable in 1857, about twenty-eight years ago. For the period of thirty-eight years the soldier has been lame, and not able to rest on the side of his lame hip. At no time since his discharge has he been able to do more work than half the labor of a man in ordinary health. As a result of his disability his heart has become affected.

"For years past the soldier has been dependent on his step-children for support. He did not understand his rights under the pension laws, and did not apply for a pension until 1879. His claim was allowed the following year, and he has drawn a pension at the rate of \$12 per month since October 4, 1880. He is now nearly 84 years old, and his days are numbered. In view of his long-standing and increasing disability, clearly resulting from his military service, of his dependent condition, and of his advanced age, the committee are disposed to regard favorably his application for an increase of pension, with a view to providing him with the ordinary comforts of life during his last days, and recommending the passage of the bill with an amendment striking out the word 'fifty,' in the ninth line, and inserting the words 'twenty-five.'"

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JONATHAN C. HARRISON.

Mr. JOSEPH D. TAYLOR. I ask to take up for consideration a bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison.

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, at the rate of \$30 per month, the name of Jonathan C. Harrison, late a private in Company B, Fifty-second Ohio Volunteers.*

Mr. WARNER, of Ohio. This is a bill fixing the rate of pension. I thought the rate of pension was always to be fixed in the Pension Office, unless there was something in the case beside disability. I think the report had better be read to show what it is.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison, having considered the same, report as follows:

Jonathan C. Harrison, while serving as private of Company B, Fifty-second Regiment Ohio Volunteer Infantry, had his arm amputated below but within one and a quarter inches of the elbow, for which wound he draws \$24 per month pension. Had the amputation been made at or above the elbow the pension would have been \$30 per month. There appears no issue between the claimant and the Commissioner of Pensions as to the uselessness of the stump, and as to the fact that an elbow amputation would not in any wise have been of greater injury to him for all practical and personal purposes than at the point amputated. But the Commissioner rules that he can not grant an increase because estopped by the words of the present law, which requires absolute incapacity for manual labor as a precedent to increase from \$24 to \$30 per month, a requirement not demanded in any case from those suffering from amputations at or above the elbow.

In view of the facts, your committee are of the opinion that claimant Harrison should be put on the same footing with this class of wounded soldiers, and should not be held to the rule of incapacity for manual labor no more than they, and are therefore of the opinion that he is clearly entitled to the desired increase of \$6 per month, and recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. J. B. WALBACH.

Mr. HEWITT, of Alabama. I ask to take up for consideration the bill (H. R. 7229) to relieve the disability of J. J. B. Walbach.

The bill was read, as follows:

*Be it enacted, &c., That the disabilities imposed upon and incurred by J. J. B. Walbach, of Baltimore, in the State of Maryland, by virtue of the provisions of the fourteenth amendment of the Constitution of the United States, shall be, and are hereby, removed.*

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom has been referred House bill No. 6124, beg leave to report as follows:

The petition of the citizen J. J. B. Walbach, of Baltimore, Md., is hereto annexed, and the committee see no reason that it should not be granted, and therefore report the accompanying bill as a substitute for the bill referred, and recommend that the said substitute do pass.

All of which is respectfully submitted.

To the Senate and House of Representatives in Congress assembled:

I hereby pray that my civil and political disabilities may be removed.  
And in duty, &c.,

J. J. B. WALBACH.

BALTIMORE, June 1, 1884.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES DYE.

Mr. PERKINS. I ask consent to call up the bill (H. R. 8229) to grant a pension to James Dye.

The bill was read, as follows:

*Be it enacted, &c., That the Secretary of the Interior 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 Dye, late an assistant surgeon in the service of the United States, of the Twenty-first Regiment of Missouri Volunteers.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS FERGUSON.

Mr. ENGLISH. I call up the bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

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 restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ferguson, late a member of Company B, Ninety-first Regiment Indiana Volunteers.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. GILLEY.

Mr. DAVIS, of Illinois. Mr. Chairman, I call up Senate bill No. 2587, granting a pension to William H. H. Gilley.

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 William H. H. Gilley, late a private in Company G, Forty-second Regiment Indiana Infantry Volunteers, said pension to commence from the date of the passage of this act.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HUGH O'NEIL.

Mr. STOCKSLAGER. I call up the bill (S. 1183) granting a pension to Hugh O'Neil.

The bill was read, as follows:

*Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of Hugh O'Neil on the pension-roll, said Hugh O'Neil being the dependent father of John O'Neil, late a private in Company I, Mounted Riflemen of the Indian wars.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM PAUGH.

Mr. BAGLEY. I desire to call up House bill 5581, granting a pension to William Paugh.

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 William Paugh, late a private in Company A, Sixty-ninth Regiment Pennsylvania Volunteers, at the rate of \$6 per month.*

The committee recommend the adoption of the following amendment: Strike out in line 7 all after the word "volunteers."

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.

MARY A. GRENNON.

Mr. PARKER. I offer a bill and report for present consideration, which I send to the desk and ask to have read.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

*Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mary A. Grennon, widow of William H. Grennon, late of Company M, Fourteenth New York*

Heavy Artillery, at the rate of \$16 per month, from and after the passage of this act, subject to all other provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

A. W. STARK.

Mr. HEWITT, of Alabama. I ask consideration of the bill (H. R. 8186) to remove the political disabilities of A. W. Stark, of Virginia. The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from A. W. Stark, of Virginia.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. MATSON. I desire to inquire whether there are any more favorable reports that have not been acted upon by the committee?

Mr. MORRILL. I would like to make a report if the committee will rise, and we can then go right back into committee again.

Mr. PRICE. I have a bill that I will send up which is favorably reported.

The CHAIRMAN. The gentleman will send it to the desk.

ANDREW FRANKLIN, ALIAS ANDREW M'KEE.

Mr. PRICE. I ask consideration of the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Andrew Franklin, alias Andrew McKee, late a private in Capt. M. Armstrong's company of Ohio militia, from August 22, 1812, to March 7, 1813, and from July 28, 1813, to August 18, 1813, in the war of 1812, to take effect from the time of filing his application for a pension.*

The committee recommend the adoption of the following amendments:

In line 7 strike out "March 7" and insert "February 22."

In lines 11 and 12 strike out "time of filing his application for a pension" and insert "passage of this act."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. RAY, of New Hampshire. I have an adverse report—that is, I should say rather that the committee are divided thereon, which I desire to call up for consideration from the table. My friend from Kansas stated that he desired to have the committee rise for the purpose of making a favorable report in a case. I therefore yield to him for that motion.

Mr. MORRILL. I move that the committee do now rise.

Mr. WARNER, of Ohio. I hope that will not be done.

Mr. MORRILL. My idea is that we will go back immediately into committee after making the report.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the Chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House having had under consideration the Private Calendar had instructed him to report various bills with sundry recommendations.

CATHARINE HELTON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8069) granting a pension to Catharine Helton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

CATHARINE HELTON.

Mr. MORRILL. I now call up the bill just reported from the Committee on Invalid Pensions, being the bill (H. R. 8069) granting a pension to Catharine Helton.

The bill was read, as follows:

*Be it enacted, etc., 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 Catharine Helton, mother of Calvin Helton, as shown by claim numbered 250535, on file in the Pension Office.*

The committee recommend the following amendments:

In the sixth line, after "Helton," insert "dependent;" so it will read "dependent mother," &c. Strike out of the bill all after the word "Helton" where it occurs the second time, in line 6, and insert "late of Company I, Twenty-fourth Regiment Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. WARNER, of Ohio. In the absence of the gentleman who reported it, I call up the bill (H. R. 8244) granting a pension to John A. Landon.

The bill was read.

Mr. HEWITT, of Alabama. This is a bill reported by the Select Committee on the Payment of Pensions, Bounty, and Back Pay. I submit it does not come within the order for the business of this evening, which is set apart for the consideration of reports from the Committees on Pensions and Invalid Pensions and bills removing political disabilities.

The CHAIRMAN. The point of order is well taken.

Mr. WARNER, of Ohio. It is unfortunate for the man for whose benefit this bill has been reported.

Mr. HEWITT, of Alabama. I will not insist on the objection.

Mr. WARNER, of Ohio. Would it be in order to ask unanimous consent for the consideration of this bill?

The CHAIRMAN. The Chair thinks not. It is the duty of the Chair to observe the terms of the order under which the House meets.

The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. ROGERS, of Arkansas. The bill which I desire to call up is also reported from the Committee on the Payment of Pensions, Bounty, and Back Pay, and therefore does not come within the order.

NANCY B. LEACH.

Mr. RAY, of New Hampshire. I call up the bill (S. 2204) granting arrears of pension to Nancy B. Leach.

The bill, which was reported with an adverse recommendation by the Committee on Invalid Pensions, was read, as follows:

Whereas Nancy B. Leach, mother of Bradford Leach, late of Company I, Twelfth New Hampshire Volunteers, was placed on the pension-roll on the 25th day of June, 1881, and from which date payment of said pension was made: Therefore,

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to the aforesaid Nancy B. Leach a pension at the rate prescribed by law from the date of the death of the said Bradford Leach: Provided, That all sums previously paid on account of pension to the said Nancy B. Leach be deducted.*

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

The CHAIRMAN. The Chair will state that as the hour is so near at hand when the committee must rise pursuant to the order of the House, there is not time for the reading of the report.

Mr. MORRILL. Then I ask that the report be printed in the RECORD, and that the gentleman from New Hampshire [Mr. RAY] be permitted to make a statement and that I be permitted to reply.

The CHAIRMAN. The Chair calls the attention of the chairman of the Committee on Invalid Pensions to this bill.

Mr. RAY, of New Hampshire. If there be no objection let the reports of the majority and minority of the committee be printed in the RECORD, and the gentleman from Kansas [Mr. MORRILL] and myself can each make a statement.

There was no objection.

Mr. MATSON. I shall have to object to the passage of that bill.

The CHAIRMAN. The Chair has suggested that there was not time to read the report.

Mr. MATSON. Then let the committee rise.

Mr. RAY, of New Hampshire. I hope the gentleman [Mr. MATSON] will give me an opportunity to state briefly the facts in this case, so that it may be considered by the committee to-night. It is not necessary that these lengthy reports should be read. They can be printed in the RECORD.

The report of the Committee on Invalid Pensions (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, submit the following report:

We find that claimant is receiving a pension at the rate of \$8 per month, as dependent mother of Bradford Leach, a deceased soldier of the war of the rebellion, said pension commencing June, 1881. This bill provides for the payment of a pension at the same rate from the death of her son up to June, 1881, or the time from which the original pension was granted. The act of March 3, 1879, provides:

"All pensions which have been, or which may hereafter be, granted in consequence of death occurring from any cause which originated in the service since March 4, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability or from the termination of the right of party having prior title to such pension, provided the application for such pension has been, or is hereafter, filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application."

The application for pension in this case was received at the Pension Office in Washington, June 25, 1881, nearly a year after the expiration of the time fixed by law under which arrears of pensions could be allowed.

It is claimed that the application was actually made and executed in proper form February 11, 1879, or more than sixteen months prior to the expiration of the limitation; that this application was executed at the office of David H. Hill, in Sandwich, Carroll County, New Hampshire, and by claimant left with said Hill, who was her duly authorized attorney, to be placed in the United States mail; that through his neglect and gross carelessness it was mixed up with other papers in his office where it lay for twenty-eight months; that it was then ac-



dentally discovered and placed in the mail. Your committee are of the opinion that claimant should be held responsible for the neglect of her attorney. The simple fact that she executed the papers, and never filed them, does not entitle her to any more consideration than is extended to hundreds of others who, from ignorance of the law or from unforeseen casualties, failed to make their applications within the required time.

The rule of the committee has been to afford no relief by special act unless it could be clearly shown to be the fault of the Government that the papers were not filed in time. Where it has been proven that the papers were actually received before the expiration of the limitation at the Department and afterward lost relief has been granted, and in the Agnel case Congress went still further, and said where the Commissioner of Pensions had, prior to the expiration of the limitation, erroneously instructed a claimant that her case was not a pensionable one under the existing law, it was proper to afford relief by special act. But Congress has uniformly refused such relief in cases where it was shown that claimants had forwarded their applications to their attorneys in Washington in time to reach that city before the expiration of the limitation, and such attorneys had failed to receive them, or receiving them had neglected to file. To allow the relief asked for in this case would open the doors for thousands of similar cases arising under almost all conceivable circumstances.

After the expiration of the limitation in the arrears of pensions act, and before this claimant's application was ever received or filed in the Pension Office, more than 30,000 other claimants, with cases doubtless as meritorious, had filed their claims. Shall all these cases be passed by and their rights disregarded to give relief in this particular case?

The views of this committee upon the question of arrears of pensions have been so clearly stated that they can not be misunderstood. In the report made May, 1884, upon bill H. R. 491, to repeal the limitation in the arrears of pensions act, your committee emphatically declared:

"The limitation referred to is a practical and unjust discrimination in favor of a portion of our maimed and disabled soldiers and their dependent relatives and against another portion equally meritorious and equally deserving. Your committee believe that such discrimination is utterly unjustifiable, and that such limitation should be at once abrogated and removed as repugnant to a sound policy of equity and justice."

Your committee are not opposed to allowing the pension to the disabled soldier or dependent relative, to commence from date of disability or dependence, but they insist that while the law stands as it is that no discriminations shall be made, but that all shall be treated alike. Since the 1st day of July, 1880, more than 110,000 applications have been filed. In none of these cases will applicants be entitled to receive arrears, no matter how severe the disability or meritorious and deserving the applicant may be.

Your committee believe that the passage of this bill would be an unjust discrimination against the thousands who are not allowed arrears, and would be a very dangerous precedent to establish. They therefore report adversely, and ask that the bill lie on the table.

The views of the minority (submitted by Mr. RAY, of New Hampshire) are as follows:

The minority of the Committee on Invalid Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, mother of Bradford Leach, have considered the same, and respectfully report:

The following facts are established beyond controversy:

1. That Mrs. Leach was lawfully entitled to a pension, as the dependent mother of a deceased soldier, from the time of his death.
2. That she employed a competent and reliable attorney, Judge David H. Hill, of Carroll County, New Hampshire, to make, and with his assistance she duly made and executed, as early as February 11, 1879, a proper application for her pension.
3. Judge Hill put the application in an envelope properly stamped, sealed, and directed, and supposed this letter, with other letters, was taken by a law student in his office to the post-office and duly mailed.
4. Afterward, and before July 1, 1880, the date when arrears of pension were cut off by act of Congress unless the application had previously been filed in the Pension Office, Judge Hill repeatedly and in good faith informed Mrs. Leach and her friends that her claim for pension had been filed, and it appears that she relied on this information.
5. The mistake was not discovered until June, 1881, when Mr. Fosker, the law student, found the envelope containing Mrs. Leach's application in a package of papers which had been put away in Judge Hill's office as being no longer of any use. Judge Hill's attention was immediately called to the document, and he at once forwarded it to his friend, Mr. George N. French, of the Treasury Department, requesting him to file the application forthwith at the Pension Office.
6. From the records of the Pension Office it appears this original application was actually filed June 23, 1881, upon which Mrs. Leach has been allowed a pension from that date only.

It appears to us to be a case of accident, mistake, or misfortune, rather than of negligence on the part of the attorney. Clearly no actual negligence or want of care can be charged against Mrs. Leach. If it is urged that by the strict rules of law her attorney might be held liable in an action for negligent conduct in regard to the non-delivery of the letter containing the application at the post-office, we answer that such remedy is impracticable and uncertain, for an attorney is bound to the exercise of ordinary care only in such a case. A suit at law against the attorney, even if he is responsible, would probably fail, because a lack of ordinary care is not clearly established in the present case. Besides, Mrs. Leach does not possess the means to fight a lawsuit against the attorney, and this great Government ought not to require it of a good soldier's mother, even if the attorney were liable and had the means to pay.

It is urged that to allow the relief asked for here "would open the doors for thousands of similar cases, arising under almost all conceivable circumstances," and yet the committee are all of the opinion that the act of March 3, 1879, limiting arrears of pension to cases filed prior to July 1, 1880, discriminates unjustly, and ought to be repealed. The passage of this act, where a poor old lady is shown to have been without actual fault, and where it is absolutely beyond question her papers were fully prepared and completed long before the limitation act took effect, and her pension was granted upon the identical application lost or mislaid, as aforesaid, certainly can have no unfavorable influence against a repeal of the law referred to.

The minority of your committee contend that this case should be considered and decided upon its own intrinsic merits, and we are heartily in favor of adding cases like that of Mrs. Leach to the exceptions already established against this unjust discrimination.

Again, the experience of Congress and of the Pension Office since July 1, 1880, shows that very few cases just like the present one exist, and for which this act, if passed, would afford a precedent, while the waiver of the strict statutory provisions, cutting off arrears, has been exercised by Congress in numerous instances where the equities in favor of the claimant have been no stronger than this claim presents. We think the bill ought to pass.

This bill is fully sustained by a number of recent precedents, among which are the following:

*Special acts granting arrears.*

An act for the relief of Benjamin F. Dobson, corporal in Company I, Nine-

teenth Indiana Volunteers, approved April 25, 1882, first session Forty-seventh Congress (chapter 104, page 658, volume 22, U. S. Stat. at Large).

An act for the relief of Jacob Humble, private in Company F, Sixth Indiana Cavalry, approved July 24, 1882, first session Forty-seventh Congress (chapter 347, page 722, volume 22, U. S. Stat. at Large).

An act for the relief of James F. Cullen, sergeant in Company A, Fifth Kentucky Volunteers, approved August 8, 1882, first session Forty-seventh Congress (chapter 483, page 739, volume 22, U. S. Stat. at Large).

An act for the relief of William M. Meredith, captain in Seventieth Indiana Volunteers, approved March 2, 1883, second session Forty-seventh Congress (chapter 75, page 798, volume 22, United States Statutes at Large).

An act granting an increase of pension to N. J. Ingersoll, private in Company F, Forty-eighth Illinois Volunteers, approved July 7, 1884, first session Forty-eighth Congress (chapter 348, page 83, United States Statutes).

An act for the relief of the widow of Edward M. Wilkens, private in Company G, First Rhode Island Militia, approved July 7, 1884, first session Forty-eighth Congress (chapter 360, page 86, United States Statutes).

An act granting arrears of pension to Emily Agnel, approved February, 1885, second session Forty-eighth Congress.

*Restoration to pension-roll, granting arrears from time of suspension by special acts.*

An act granting a pension to Angus McAuley, soldier in Creek Indian war, approved June 19, 1882, first session Forty-seventh Congress (chapter 232, page 710, volume 22, U. S. Stat. at Large).

An act to restore to the pension-roll the name of Frederick A. Garlick, sergeant in Company K, Seventy-sixth New York Volunteers, approved June 27, 1882, first session Forty-seventh Congress (chapter 250, page 712, volume 22, U. S. Stat. at Large).

An act granting a pension to Erastus Crippen, fourth sergeant in Company G, One hundred and forty-ninth Pennsylvania Volunteers, approved August 5, 1882, first session Forty-seventh Congress (chapter 404, page 728, volume 22, U. S. Stat. at Large).

An act granting a pension to Sarah C. Hall, widow of Capt. John Hall, of the Fourth New York Cavalry, approved July 7, 1884, first session Forty-eighth Congress (chapter 336, page 85, U. S. Stat.).

APPENDIX.

SENATE REPORT.

Mr. BLAIR, from the Committee on Pensions, submitted the following report: The Committee on Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, mother of Bradford Leach, have examined the same and report recommending the passage of the same.

The committee desire to submit the exact point involved in this case. The original application was duly made and executed February 11, 1879. It was actually filed June 23, 1881, and the proof sustaining the claim. It was allowed, and certificate No. 205323 issued to the dependent mother, carrying pension at the rate of \$8 per month. The claimant supposed that her application was on file until long after the 1st day of July, 1880, the period of limitation under the arrears-of-pension act. The claimant has no practical remedy unless relieved by special act.

Mr. Hill, the attorney employed, is a reputable citizen, who has held responsible positions of public trust, and an honest attorney at law in good standing in the profession.

The affidavits of Hon. James E. French and of Hon. David H. Hill are herewith submitted, which establish all the remaining facts necessary to be stated.

I, James E. French, of Moultonborough, in the county of Carroll, State of New Hampshire, make oath and say, am well acquainted with Nancy B. Leach, holder of pension certificate No. 205323. I well remember the time she made her application for a pension, because it was at my suggestion that she applied to Hon. David H. Hill, of Sandwich, to assist her, and it was in the winter of 1879; said Hill afterward informed me that said claim was filed, and said claimant was so informed several times prior to July 1, 1880.

I have no interest in said claim for a pension.

JAMES E. FRENCH.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.]

W. A. HEARD,  
Clerk of Supreme Court.

I, David H. Hill, of Sandwich, in the county of Carroll, and State of New Hampshire, depose and say that I acted as attorney for Nancy B. Leach in matter of pension for her as dependent mother. The declaration was drawn by me and taken to William A. Heard, clerk of supreme court, to be executed, as I now remember it.

I think we returned to my office, and I put the declaration in an envelope and put stamp on for postage. It was understood that it was to go by that mail.

I supposed for a long time that it went that day, and so informed Mrs. Leach. The papers were thus completed, and sealed and stamped at the time of their date. I had no doubt of it until a student in my office called my attention to an envelope thus sealed and stamped, which he said he had found among other papers which he thought he had packed away as papers no longer useful, and asked me if there was not something that had been overlooked. I at once sent them to George N. French, a clerk in Treasury Department, to file at the Pension Office. Within ten days he wrote to me that they were filed, and they were sent to said French just a few days before I was informed that they were filed. I can not be positive how they were first overlooked, but believe that my student, A. B. Fosker, of said Sandwich, took some letters to the mail for me, and Mrs. Leach and myself both supposed he had taken the Leach papers with them, and continued so to think until they were discovered by said Fosker, as above described.

My post-office address is Sandwich Center, Carroll County, and State of New Hampshire, and I have no present interest in the pension claim of Mrs. Leach.

DAVID H. HILL.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.]

W. A. HEARD,  
Clerk of Supreme Court.

Mr. RAY, of New Hampshire. Mr. Chairman, this bill has passed the Senate. It gives arrears to an old lady whose son became disabled in the Army and died in February, 1879. She executed her papers in proper form before the judge of probate in Carroll County, New Hampshire, and left them with him to be mailed to the Pension Office in Washington. The judge put them in a letter, properly directed and sealed, and gave it to a student in his office to carry to the post-office. In some way, which does not very clearly appear, the letter got mislaid among a file of papers, and was laid away in a pigeon-hole in the probate office, and was not discovered till after the 1st of July, 1880, when



the right to arrears was cut off by act of Congress. Indeed, the papers were not found until some time in June, 1881, nearly a year afterward.

In the mean time Judge Hill in good faith, supposing the fact to be so, had informed the old lady and her friends that the application had gone to the Pension Office and was there on file awaiting consideration in its order. In looking over some of the papers in the probate office for another purpose, this letter, sealed and directed, was found, but too late to enable Mrs. Leach to get arrears. The identical document, which had thus been seasonably prepared and executed, was sent to the Pension Office and the applicant obtained a pension upon it.

Now, the only question is whether Mrs. Leach shall have arrears. The majority of the committee have reported adversely on the ground that the temporary loss of her papers was due to the carelessness or negligence of her attorney, and that her remedy ought to be against her lawyer instead of seeking relief by a special act of Congress. The minority of the committee, composed of the gentleman from Ohio [Mr. LE FEVRE] and myself, are of opinion that inasmuch as her application was made in season, and as no actual fault is attributed to her, it is unjust to refuse to grant her these arrears. And in order to show that our Committee on Invalid Pensions and Congress would be taking no new departure in passing this bill, I desire to call the attention of the committee to several recent precedents which I think fully cover the principle involved.

I call attention to the case of Benjamin F. Dobson, of the Nineteenth Regiment of Indiana Volunteers, reported by my friend from Indiana [Mr. MATSON] from the Committee on Invalid Pensions in the Forty-seventh Congress—a case in which Congress by special act granted arrears of pensions (22 United States Statutes at Large, chapter 104, page 658).

Mr. DAVIS, of Illinois. When did that pass?

Mr. RAY, of New Hampshire. That act passed in the first session of the Forty-seventh Congress, and was approved April 25, 1882. The facts in Dobson's case were that he sent to his member of Congress, December 6, 1879, his application for a pension by mail, requesting that it be filed in the Pension Office, and the Representative acknowledged its receipt, stating that he would cause it to be done. By some blunder or neglect on the part of the Congressman, the application, as well as evidence in support thereof, received afterward from Dobson, were filed with the Committee on Invalid Pensions.

From December 6, 1879, until April 11, 1881, Dobson supposed his claim was pending in the Pension Office, instead of in Congress. He then applied for, and obtained, a pension without arrears through the regular channels. This was a plain case of "inadvertence," as the report by my distinguished friend, the chairman of our committee [Mr. MATSON], called it, on the part of a Congressman, while in the case now before the House substantially the same thing, according to the majority report, has grown into "neglect and gross carelessness" on the part of a reputable attorney.

Another case where Congress has granted arrears of pension by special act, approved March 2, 1883, is that of William M. Meredith, of Company E, Seventieth Indiana Volunteers (22 United States Statutes at Large, chapter 75, page 798).

The report, also made by our respected chairman [Mr. MATSON], shows that Captain Meredith executed his application for a pension on or about June 24, 1879, and gave it to his attorney, one House, of Indianapolis, to be mailed to the Commissioner of Pensions. House afterward made an affidavit that he mailed it the next day after receiving it. The papers, however, never reached the Pension Office, and their loss it is said was not discovered by the claimant until after July 1, 1880, too late to obtain arrears at the Pension Office. It is not altogether improbable that Captain Meredith's papers by some accident or mistake, like those of Mrs. Leach, got into a pigeon-hole in a lawyer's office instead of being mailed. Judge Hill and his law student would have testified in good faith that Mrs. Leach's application was mailed, until convinced of their error by subsequently finding the papers mislaid in his office.

Again, there is the case of Jacob Humble, of Company F, Sixth Indiana Cavalry, where, by special act approved July 24, 1882 (22 United States Statutes at Large, chapter 347, page 722), arrears were allowed. The chairman of our committee [Mr. MATSON] also reported this case favorably in the Forty-seventh Congress. The facts are, briefly, that Humble, about August 1, 1879, made his application for a pension and sent it by a neighbor to be delivered to his attorney at Spencer, Ind. The neighbor and the attorney, by affidavit before the Committee on Invalid Pensions, testified that the application was inclosed in an envelope, properly directed and sealed, and the attorney stated that he put the letter into the post-office. It was never heard from afterward. Humble did not know that his application had been lost until some time in 1881—about two years after his papers were executed.

The suggestion is made in the last two cases that the papers were lost in the mails, and therefore that the fault, if any, is chargeable against the Government alone, not against the claimant. It seems to me a sufficient answer to this is that the Government in no case undertakes to warrant or insure the safe carriage and delivery of mail matter at the place of its destination. Nor does the Government hold itself out as responsible for the carelessness or negligence of its employés in the

mail service. A Government officer in the mail service is liable to the injured party for loss arising from his own neglect or carelessness in the performance of his duty, the same as other people. In principle these cases can not be distinguished from the one now under consideration and are precedents for the passage of this bill.

Another precedent in favor of the bill is the act for the relief of the widow of Edward M. Wilkens, passed July 7, 1884 (United States Statutes, chapter 348, page 83), reported from our committee by the gentleman from Massachusetts [Mr. LOVERING], by which Mrs. Wilkens obtained arrears denied her under the general pension laws. Her husband during his last illness executed his original application for a pension a few days before his death, which occurred March 27, 1879, but it was not sent to the Pension Office on account of his illness until some time after his death. Mrs. Wilkens not being aware that it was necessary to have her husband's application filed in the Pension Office during his lifetime in order to obtain arrears. This Congress, in her case, granted the arrears without opposition.

Then again only the other night we granted arrears to Mrs. Emily Agnel, the widow of a professor at West Point, notwithstanding the fact that it was conceded she made no application for a pension whatever until long after July 1, 1880. She was advised, it is true, by her member of Congress that it was of no use for her to apply to the Pension Office because in his opinion she was not pensionable under existing laws. Afterward, and since July 1, 1880, an opinion was obtained from the Attorney-General that she was entitled to a pension, and the pension was granted, and this House the other night passed a bill giving her arrears.

Mr. HEWITT, of Alabama. If the gentleman will allow me, I want to remind him of the facts in that case. While I think that bill ought not to have passed at all, yet he will remember that the passage of it was urged upon the ground that the Commissioner of Pensions, when the application was presented—

Mr. RAY, of New Hampshire. It never was presented until after the act of Congress cutting off arrears took effect, namely, July 1, 1880.

Mr. HEWITT, of Alabama. That bill was urged upon the ground that when the application was presented the Commissioner of Pensions informed her agent, or her member of Congress, that there was no law authorizing a pension in her case.

Mr. RAY, of New Hampshire. If my friend [Mr. HEWITT, of Alabama] will take the trouble to read the report he will find that was not the fact. There was nobody connected with the Pension Office that said anything about it until after July 1, 1880.

Mr. HEWITT, of Alabama. The gentleman is wrong about that.

Mr. STOCKSLAGER. There was a letter of the Commissioner of Pensions received after the report was made, which was submitted to the House.

Mr. RAY, of New Hampshire. Yes; the letter was dated March 26, 1884, nearly four years after the time for obtaining arrears had expired. The report made by the gentleman himself [Mr. STOCKSLAGER] from the Committee on Pensions in Mrs. Agnel's claim, beginning near the bottom of the first page, expressly states—

That it was after the last day of June, 1880, when, under the advice of friends and an attorney, she resolved to apply to the Pension Office with the sole idea of getting the case before the Attorney-General for an opinion, and that it was, as she anticipated, rejected by the Commissioner, but a favorable opinion finally rendered by the Attorney-General.

Mrs. Agnel never consulted the Commissioner of Pensions nor filed her claim in the Pension Office till December 16, 1880, several months too late for arrears. Her pension, at the rate of \$30 per month, from the time of filing the application was finally allowed June 12, 1882, after a favorable opinion was obtained from the Attorney-General.

Mr. Chairman, I have found eleven cases where Congress has recently allowed arrears of pension by special acts and have appended them to the minority report.

The only point here is—and as our time is limited I will come to it directly—the only point is, whether or not this old lady, lawfully entitled to a pension, having made out the necessary papers, and having left them with her attorney, to be sent to the Pension Office, and the attorney, in good faith, supposing his clerk had delivered them at the post-office with other mail matter, but subsequently finding them mislaid among probate papers in a pigeon-hole in his office—whether or not she, being without any actual fault, shall be allowed her arrears. I do not believe that a dozen cases like this can be found in the country. The principal objection made by the majority of the committee is that it will be establishing an unsafe precedent. I can not regard it in that light. The precedents abundantly justify us in passing this bill. If there is any other case like it, I am willing to vote in its favor.

Now, Mr. Chairman, in conclusion, it seems to me to be unjust to require Mrs. Leach to look to her attorney for the recovery of arrears equitably belonging to her, on the assumption of negligence on his part—which is by no means clearly proved.

Mr. MATSON. The gentleman from New Hampshire [Mr. RAY] has very fairly presented this case, and I have only a word to say in reply. The clear distinction between the cases he cites as having passed this House and the one he asks the House now to pass is that in the present case it is not alleged that any official of the Government was in



any way to blame, but the whole blame rests upon the woman's attorney. Now, if Congress or the Government undertakes to relieve persons against the wrongs practiced upon them by their attorneys, it undertakes a very large contract. It is popularly supposed that the Government already has on hand a pretty good contract in paying the pensions that it ought to pay; but to pay arrears to parties who have failed to receive their pensions through the neglect or wrong of attorneys is, I think, more than any fair-minded man would say the Government ought to undertake. But, sir, I apprehend we have not time to do justice to this old woman, even from the standpoint of the gentleman from New Hampshire, and at the same time to do justice to these other claimants, whose cases have been favorably passed upon by this Committee of the Whole. Our session of this evening must close in a very few minutes, as under the order of the House it can not be extended beyond 9 o'clock. I move, therefore, that the committee now rise.

Mr. PARKER. Before the question is taken upon the motion of the gentleman from Indiana, I wish to say that in the case of Mary A. Grennon, which I presented and which was passed without especial notice, there was an adverse report. I infer from remarks which have been made that it was understood nothing would be presented except favorable reports. I would not wish the Committee of the Whole to fall into any error as to the state of the case from the lack of any explanation on my part. I shall therefore, if there be any objection to that case, ask to withdraw it when it comes before the House.

Mr. BAGLEY. That is the case of a soldier who is supposed to have been killed by the enemy while going to a spring. Although there was an adverse report, I think the case a good one. I hope that when we take up the case in the House it may be favorably considered.

Mr. MATSON. We have not time now to talk about mistakes. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions; and also bills for the removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

#### BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 7231) to remove the disabilities of John K. Cooke, of Virginia;

A bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia; and

A bill (H. R. 7229) to remove the disabilities of J. J. B. Walbach, of Baltimore, Md.

On motion of Mr. HEWITT, of Alabama, by unanimous consent the bill (H. R. 8186) to remove the political disabilities of A. W. Stark, of Virginia, was laid on the table; and the bill (S. 2623) to remove the political disabilities of Alexander W. Stark was taken from the Speaker's table, read three times, and passed.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7485) granting a pension to Alexander Weide;  
A bill (H. R. 7990) granting a pension to Joseph Sansom;  
A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;  
A bill (H. R. 7992) for the relief of Christian Arndt;  
A bill (H. R. 7993) for the relief of William Stansberry;  
A bill (H. R. 8187) granting a pension to Chancey G. Darrah;  
A bill (H. R. 7418) for the relief of Maria Spellens;  
A bill (H. R. 1710) granting a pension to George W. Bean;  
A bill (H. R. 1773) for the relief of Edward Kraemer;  
A bill (H. R. 301) granting a pension to Theodore Leveron;  
A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 8229) to grant a pension to James Dye; and  
A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

#### MARY A. GRENNON.

The next bill reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 3735) granting a pension to Mary A. Grennon.

The SPEAKER *pro tempore*. This is the case on which there was an adverse report by the Committee on Invalid Pensions.

Mr. PARKER. This bill proposes to place on the pension-roll the widow of a private. During the war, while on the picket line, he started for a spring. A shot was heard. He did not return, and has never been heard of since. It was the belief of his comrades, from the circumstances connected with the case, that he was killed by the enemy. I ask that the bill be passed; but if any member objects I will not press the request.

The question being taken, the bill was ordered to be engrossed for a

third reading; and being engrossed, it was accordingly read the third time, and passed.

#### BILLS PASSED.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8152) for the relief of William D. Farnsworth;  
A bill (H. R. 6960) for the relief of Charles L. Alden;  
A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;  
A bill (H. R. 7863) granting a pension to Thomas M. McClesney;  
A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;  
A bill (H. R. 7417) for the relief of Stephen Sauer;  
A bill (H. R. 6505) granting a pension to Corydon Millard;  
A bill (H. R. 7513) granting a pension to Margaret B. Harwood;  
A bill (H. R. 5581) granting a pension to William Paugh;  
A bill (H. R. 8069) granting a pension to Catharine Helton;  
A bill (H. R. 8048) to increase the pension of Frederick Huscher; title amended by striking out "Huscher" and inserting "Hercher;" and  
A bill (H. R. 7248) to increase the pension of Jane Brent; title amended by inserting "D." after "Jane."

Senate bills of the following titles were severally ordered to a third reading, were accordingly read the third time, and passed:

A bill (S. 357) granting a pension to William Lockhart;  
A bill (S. 1655) granting a pension to Newton J. Burris;  
A bill (S. 1709) granting a pension to Leonora A. Boyden;  
A bill (S. 1803) granting an increase of pension to George A. Washburn;  
A bill (S. 2350) granting a pension to Anna Ginn;  
A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;  
A bill (S. 1804) granting a pension to Clarinda Hunt;  
A bill (S. 2610) granting a pension to Patrick Furlong;  
A bill (S. 1268) for the relief of Sydney L. Skaggs;  
A bill (S. 2514) granting a pension to David T. Hoover;  
A bill (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. Gilley; and  
A bill (S. 1183) granting a pension to Hugh O'Neil.

Amendments to the following Senate bills were severally agreed to, and the bills as amended were ordered to be read a third time; and they were accordingly read the third time, and passed:

A bill (S. 2009) granting a pension to Isabella Turner;  
A bill (S. 2327) for the relief of James Bedell, sr.; and  
A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee.

#### JAMES D. JOHNSTON.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. MATSON. I move to reconsider the votes by which these various bills have just been passed; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. Mr. Speaker, I believe that completes the business of the evening, and in the moment or two left I beg leave to say that the Committee on Invalid Pensions during this Congress, after careful consideration, have reported on twelve hundred and twenty-three cases, and that six hundred and sixty-eight bills, favorably reported, have been passed by the House. Indeed, I might add without egotism, so far as we are informed every bill reported favorably by that committee has been passed by the House, and, as this is our last appearance before the House, we return thanks for the courteous treatment extended to us.

I now give way to the gentleman from Alabama [Mr. HEWITT], the chairman of the Committee on Pensions, who no doubt also desires to return his thanks to the House.

Mr. HEWITT, of Alabama. Mr. Speaker, I believe all the bills reported favorably from the Committee on Pensions have been passed, and I will add, in my opinion several of them favorably reported ought not to have passed. That committee also is under many obligations for the courtesy it has received.

Mr. DAVIS, of Illinois. If it is in order, while there is such good feeling, I will suggest that gentlemen call up the Mexican pension bill.

Mr. WHITE, of Kentucky. I would like to have the gentleman from Alabama [Mr. HEWITT] indicate to the House and the country when he thinks his committee will be able to bring in the next pension bill for the soldiers of the Mexican war.

Mr. HEWITT, of Alabama. The Committee on Pensions have always been anxious to pass a proper Mexican pension bill.

Mr. WHITE, of Kentucky: Oh, yes; provided it has Black Hawk Indians in it; but we want it with Union soldiers in it.

Mr. HEWITT, of Alabama. But we do not want to pension Black Hawk Indians.

Mr. WHITE, of Kentucky. But the gentleman wants to pension all who served during the time of any Indian disturbance.

Mr. HEWITT, of Alabama. The gentleman is mistaken now, as he often is in the House.

Mr. WHITE, of Kentucky. I will take the bill including the Union soldiers, and without those who served during Indian disturbances.

The SPEAKER *pro tempore*. It is now 9 o'clock, and, in compliance with previous order, the House stands adjourned until to-morrow, when it will be called to order by the Speaker on the return of the procession from the Washington Monument.

#### PETITIONS, ETC.

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

By Mr. BAGLEY: Resolution of the Legislature of the State of New York, recommending that General U. S. Grant be placed upon the retired-list—to the Committee on Military Affairs.

By Mr. BRAINERD: Petition of Western Pennsylvania Improvement Company, for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Remonstrance of citizens of Pacific County, Washington Territory, against any legislation for the purpose of prohibiting trap-fishing in the Columbia River—to the Committee on Commerce.

Also, remonstrance of members of the board of pilot commissioners for the Columbia River, Washington Territory, against any legislation for the purpose of prohibiting trap-fishing in the Columbia River—to the same committee.

By Mr. CASSIDY: Petition of G. C. White, postmaster at Carson City, Nev., praying passage of a law making the Government pay rent of third-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Petition of citizens of Greenwood, Me., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. FIEDLER: Concurrent resolution of the Legislature of New Jersey, opposing construction of railroad bridges across Staten Island Sound—to the Committee on Commerce.

By Mr. GEORGE: Petition of citizens of Oregon asking for further appropriation for improving Coquille River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of C. C. Warden and 323 others, citizens of Ottumwa, Iowa, urging Congress to place U. S. Grant on the retired-list of the Army, with the rank and pay of general, because of his distinguished services—to the Committee on Military Affairs.

By Mr. McCORMICK: Petition of 28 citizens of Adams County, Ohio, against Mormonism—to the Committee on the Judiciary.

By Mr. MORSE: Petition of Alex. McKenzie and others, of Cambridge, Mass., relative to the Mormon question—to the same committee.

By Mr. J. J. O'NEILL: Petition of Addie M. Ramsey, George W. Lubke, W. P. Mullen, D. H. Evans, and others, of Saint Louis, Mo., for the suppression of Mormonism—to the same committee.

By Mr. STEELE: Petition of citizens of Marion, Grant County, Indiana, asking that every honorably discharged soldier and sailor of the late war be granted a land-warrant of one hundred and sixty acres of land, without condition of settlement—to the Committee on the Public Lands.

By Mr. A. J. WARNER: Petition of J. W. Andrews, Luther Edgerton, and 15 others, citizens of Marietta, Ohio, for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Rev. T. S. Huggart and 100 others, citizens of Ostrander, Ohio, praying for the suppression of polygamy—to the same committee.

By Mr. J. S. WISE: Petition of Virginia school superintendents, for the passage of the Blair bill—to the Committee on Education.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. R. T. DAVIS: Of citizens of New Bedford, and of Sandwich, Mass.

By Mr. MCCOY: Of citizens of West Chester, of Mt. Sterling, of Keokuk, of Mediapolis, of Washington, of Birmingham, and of New London, Iowa.

By Mr. A. J. WARNER: Of J. F. Hopkins and others, of Vincent; of Philip Mattern and others, citizens of Lowell; of D. H. Merrill and others, of Barlow, Washington County; of Samuel Barnhill and others, citizens of Shade, Athens County; of Thomas E. Ham and others, citizens of Malta, Morgan County; of B. F. Fellows and others, citizens of Long Bottom, Meigs County; of Thomas Smith and others, citizens of

Cutler, Washington County; and of Joseph Mays and others, citizens of Grand View, Washington County, Ohio.

By Mr. WEAVER: Of E. L. Hall and 26 others, citizens of Goodland, Ind.

#### SENATE.

SATURDAY, February 21, 1885.

The Senate met at 1 o'clock p. m.

Prayer by Rev. JAHU DE WITT MILLER, of the city of Philadelphia. The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a deficiency estimate received from the Commissioner of Fish and Fisheries; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a deficiency estimate of \$5,000 in the appropriation for defense of the United States in the Court of Claims for the current fiscal year, submitted by the Attorney-General; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation received from the Secretary of the Interior to pay Miss Emma Dowell \$29.35 for services rendered in July, 1882; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate received from the Secretary of the Interior to pay George T. Newman for beef delivered at the Black-foot agency; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 5th instant, a report of the Commissioner of the General Land Office and sundry papers on the subject of the Moquelemos grant in the State of California, the surveys thereof, and the status of the settlers thereon. If there be no objection, the letter of the Secretary, together with the letter of the Commissioner of the General Land Office, will be printed, and, with the accompanying papers, which are very voluminous, referred to the Committee on Printing.

#### CUSTOM-HOUSE LOT IN PROVIDENCE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The amendment was, in line 4, to strike out "southwest" and insert "northwesterly."

The PRESIDENT *pro tempore*. The Chair was informed yesterday by the Senator from Rhode Island [Mr. ALDRICH] that he desired the Senate to concur in this amendment, there having been a clerical error in the Senate bill. If there be no other suggestion, the Chair will put the question on concurring in the House amendment.

The amendment was concurred in.

#### HOUSE BILLS REFERRED.

The following bills received from the House of Representatives yesterday were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.; and

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting sundry petitions received from infantry officers of the Army, praying for the passage of the bill (S. 2442) to increase the efficiency of the infantry branch of the Army; which was ordered to be printed, and, with the accompanying petitions, referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2087) for the relief of Henry Frank, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

#### MARIA G. UNDERWOOD.

The PRESIDING OFFICER (Mr. ALLISON in the chair). "Concurrent resolutions" being in order, the Chair lays before the Senate a