

dressing a letter to the United States district attorney at Little Rock, who gives me the facts substantially as I have stated them. He closes his report by saying:

The defalcation took place some fifteen or eighteen years ago, and if the matter had been pressed then many of the sureties were entirely solvent who are now worth nothing. Tucker at that time was a banker here, and could have paid the whole amount without embarrassment; but now he has nothing, is working on a small salary in the post-office at this place, and the other sureties were then, I understand, in a good financial condition. So, under the circumstances, I think the relief should be granted.

I have given the substantial points of this case. It is one which illustrates in the strongest manner the wisdom of the bill which we passed to-night requiring the Government to proceed promptly against parties who are charged with being defaulters, and providing that if suit be not instituted within five years after the person retires from office the sureties shall be discharged.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

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. ROGERS 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.

ALIEN OWNERSHIP OF LAND IN TERRITORIES.

Mr. CULBERSON. I call up House bill No. 6832, and yield to the gentleman from Wisconsin [Mr. CASWELL]. I will state that this is the last bill which we propose to bring before the House this evening.

The bill was read, as follows:

A bill (H. R. 6822) to amend chapter 340 of the laws of 1887, entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc."

Be it enacted, etc., That section 3 of chapter 340, of the laws of 1887, approved March 3, 1887, be amended so as to read as follows:

"Sec. 3. That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes, shall acquire, hold, or own more than 5,000 acres of land in any of the Territories of the United States; and no railroad, canal, or turnpike corporation, shall hereafter acquire, hold, or own lands in any territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted it by act of Congress. But the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation: *Provided*, That this section shall not apply to lands acquired, in good faith, by mercantile or manufacturing corporations, organized under the laws of the United States, or the constitutions or laws of any State or Territory in the United States or the District of Columbia, upon foreclosure, execution, or judicial proceedings, or taken in payment of pre-existing bona fide indebtedness due to such corporations in the ordinary course of business."

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill.

Mr. FULLER. I object.

Mr. CULBERSON. I move that the House adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DINGLEY: A bill (H. R. 10999) granting a pension to William H. Coffin—to the Committee on Invalid Pensions.

By Mr. DUBOIS: A bill (H. R. 11000) to authorize the leasing of the school and university lands in the Territory of Idaho, and for other purposes—to the Committee on the Public Lands.

By Mr. MCKENNA: A bill (H. R. 11001) granting a pension to George W. Johnson—to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 11002) to remove the charge of desertion from the military record of Eli Haines—to the Committee on Military Affairs.

Also, a bill (H. R. 11003) granting a pension to Edward Balmat—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 11004) granting a pension to Sarah A. Tryon—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 11005) granting a pension to Ester Gaven—to the Committee on Invalid Pensions.

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. ALLEN: Petition to have the claim of Peter F. Archer, deceased, referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLOUNT: Petition of heirs of H. J. Dickson, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of the Commercial Exchange of Philadelphia, requesting prompt passage of Senate bill 2851—to the Committee on Commerce.

By Mr. BUNNELL: Petition for the relief of Mary Van Buskirk, widow of John B. Van Buskirk—to the Committee on Pensions.

By Mr. COWLES: Resolution asking that a day be set apart for con-

sideration of bill relating to compensation of district attorneys, marshals, etc.—to the Committee on Rules.

By Mr. CUTCHEON: Petition of citizens of Manistee County, Michigan, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. GOFF: Petition of Mrs. Lavinia A. Patton and Miss Belle Hartley, for pensions—to the Committee on Invalid Pensions.

Also, petition of the board of commissioners of Ohio County, West Virginia, for an appropriation for the repair of the national road recently damaged by the great flood in West Virginia—to the Committee on Appropriations.

By Mr. JACKSON: Petition of Council No. 48, Junior Order United American Mechanics, of Beaver Falls, Pa., for the passage of Senate bill 553, regulating immigration—to the Committee on Foreign Affairs.

By Mr. MCCREARY: Petition of James H. Orr, for a pension—to the Committee on Invalid Pensions.

By Mr. MOFFITT: Petition of Knights of Labor of Ellenburgh, N. Y., in favor of H. R. 8716—to the Committee on Labor.

By Mr. NICHOLS: Petition of citizens of Caswell County, North Carolina, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. CHARLES O'NEILL: Petition of citizens of Philadelphia, Pa., in favor of House bill No. 8716—to the Committee on Labor.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. GIFFORD: Of Joseph Elson and 28 others, soldiers of the late war, of Spink County, Dakota.

SENATE.

FRIDAY, July 27, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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, in response to a resolution of the 13th instant, reports of the Solicitor of the Treasury and the Commissioner of Internal Revenue, and of Mr. H. B. Littlepage, lately employed as an agent of the Treasury Department, in regard to property of the United States, or to which the United States have a valid claim, which is held in adverse possession against the United States; which, on motion of Mr. CALL, was, with the accompanying papers, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented two petitions of citizens of Coos County, New Hampshire, praying for certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of citizens of Connecticut, praying for the passage of such legislation as will more effectually protect agriculture; which was referred to the Committee on Finance.

He also presented a petition of citizens of Meriden, Conn., praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented petitions of Southwark Council, No. 144, Philadelphia, Pa., and of Sewickley Council, No. 170, Sewickley, Pa., Junior Order of United American Mechanics, praying for the passage of Senate bill 553, to regulate and restrict immigration; which were referred to the Committee on Foreign Relations.

He also presented petitions of ex-Union soldiers and sailors, citizens of Union City, Pa., and vicinity, of John C. Steiner and 24 other ex-Union soldiers and sailors, of W. H. Wharton and 14 other ex-Union soldiers and sailors, of William H. Vantassel and 43 other ex-Union soldiers and sailors, of H. W. Drips and 28 other ex-Union soldiers and sailors, of Theodore Hunt and 10 other ex-Union soldiers and sailors, of William Frasier and 23 other ex-Union soldiers and sailors, of Samuel B. Kennedy and 27 other ex-Union soldiers and sailors, of J. H. Lasher and 30 other ex-Union soldiers and sailors, of William McElfresh and 12 other ex-Union soldiers and sailors, of W. H. Smith and 9 other ex-Union soldiers and sailors, of Amos Kuhl and 28 other ex-Union soldiers and sailors, of J. D. McQuaide and 11 other ex-Union soldiers and sailors, of Jacob L. Grove and 17 other ex-Union soldiers and sailors, of John H. Anderson and 6 other ex-Union soldiers and sailors, of Henry Bain and 2 other ex-Union soldiers and sailors, of M. L. Carnahan and 5 other ex-Union soldiers and sailors, of John H. Park and 38 other ex-Union soldiers and sailors, of Vachel Catlin and 31 other ex-Union soldiers and sailors, of Albert S. Borlin and 12 other ex-Union soldiers and sailors, of George H. Murphy and 28 other ex-Union soldiers and

sailors, of J. A. Pearce and 18 other ex-Union soldiers and sailors, of C. L. Palmer and 8 other ex-Union soldiers and sailors, of C. P. Craver and 66 other ex-Union soldiers and sailors, of J. H. Murdock and 12 other ex-Union soldiers and sailors, of W. H. Swart and 18 other ex-Union soldiers and sailors, of William Anderson and 14 other ex-Union soldiers and sailors, of D. L. Crawford and 36 other ex-Union soldiers and sailors, of M. R. Haymaker and 15 other ex-Union soldiers and sailors, of Henry Campbell and 18 other ex-Union soldiers and sailors, of H. C. Fishel and 18 other ex-Union soldiers and sailors, of Michael R. Meanor and 37 other ex-Union soldiers and sailors, of Andrew Cook and 35 other ex-Union soldiers and sailors, of Henry Stoble and 25 other ex-Union soldiers and sailors, of Charles Wiley and 6 other ex-Union soldiers and sailors, of C. G. Koechlin and 27 other ex-Union soldiers and sailors, of Samuel McCutchin and 20 other ex-Union soldiers and sailors, of W. D. Patterson and 17 other ex-Union soldiers and sailors, of William J. Woods and 44 other ex-Union soldiers and sailors, of N. N. Fullerton and 19 other ex-Union soldiers and sailors, of Jesse A. Clements and 8 other ex-Union soldiers and sailors, of John R. Henry and 7 other ex-Union soldiers and sailors, of William Behney and 10 other ex-Union soldiers and sailors, of J. W. Wilson and 6 other ex-Union soldiers and sailors, of Joseph P. Love and 15 other ex-Union soldiers and sailors, of John Lauffer and 5 other ex-Union soldiers and sailors, of James Miller and 18 other ex-Union soldiers and sailors, of Simon Bitts and 37 other ex-Union soldiers and sailors, of P. C. King and 14 other ex-Union soldiers and sailors, and M. S. Tarr and 14 other ex-Union soldiers and sailors, all of Westmoreland County, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented the petition of W. W. Smith and 89 others, citizens of Manistee, Mich., praying for an amendment of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VOORHEES presented a petition of citizens of Farmland, Ind., praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of Andrew Weiland, late private of Company A, Eleventh Regiment Indiana Infantry, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. SPOONER presented the petition of S. A. H. McKim, executor of the estate of James Gill, praying that the Secretary of the Treasury be authorized and instructed to cancel a draft heretofore issued in the name of Joseph N. Gill for \$159.77, and issue a new draft in its stead for a like sum, the discrepancy in the name having been occasioned by a clerical error; which was referred to the Committee on Claims.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company, direct me to report the same back without amendment, and as it is an exceedingly short bill I will ask the unanimous consent of the Senate that it be now considered.

Mr. SHERMAN. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its tracks and run its cars thereon through and along the following-named streets: Beginning at Fourteenth and B streets southwest, east along B street southwest to Twelfth street southwest, to an intersection with its present line on said Twelfth street.

Sec. 2. That section 3 of the act entitled "An act to amend the charter of the Capitol, North O Street and South Washington Railway Company," approved March 3, 1881, be, and the same is hereby, repealed.

Sec. 3. That unless said extension is completed and the cars run thereon within six months from the passage and approval of this act, the authority herein granted shall be void.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. What is the section repealed?

Mr. HARRIS. This extension simply connects the detached link described in the bill.

Mr. SHERMAN. But what is the section repealed?

Mr. HARRIS. The section repealed is the section which fixes a two-cent fare extra on that detached link. It simply makes that link a part of the general system.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

DISTRICT POLICE-COURT JURY.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia to report with an amendment the bill (S. 3132) to provide for four police magistrates in the District of Columbia, to define their powers and jurisdiction, to provide for trial by jury in the police court of the said District, and for other purposes; and as the bill is simply for the purpose of providing a jury for the police court under the decision of the Supreme Court rendered in May last, I am instructed to ask unanimous consent that the bill be considered at this time.

The bill, I will state, has been drawn by the judges of the District and approved by the District attorney, and carefully considered by the committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the District of Columbia was to strike out all after the enacting clause and insert:

SECTION 1. That in all causes of which the police court of the District of Columbia has original jurisdiction and in which, under the law, a person accused of an offense is entitled to a trial by jury, the said jury shall consist of twelve persons selected in conformity with the provisions and requirements of the twenty-fourth chapter of the Revised Statutes relating to the District of Columbia, except in so far as the said provisions and requirements are modified, altered, or amended by the provisions of this act: *Provided*, That the person charged may waive his right to a trial by jury, which waiver shall be entered on the records of the court, and submit the trial of the cause to the judge of said police court, whose judgment therein shall have the same effect as if the cause had been tried by a jury.

SEC. 2. That the names of those persons who may be selected to be drawn for jury service in the said police court, as herein provided, shall be put and kept in a box for that purpose, distinct and separate from that used for the names of persons selected to be drawn for jury service in the supreme court of the District of Columbia. Such names shall be put in said box at such times as the public convenience and the necessities of the case may require; and should said names be exhausted by drawing from said box at a time when said supreme court in general term is not in session, and the officers or persons to make lists of jurors are from any cause not in existence or capable of acting, the commissioners of the District of Columbia shall act as such officers or persons for the time being, with respect to jurors for said police court; and at least twenty-six names shall be drawn at any given time for service on the jury at the said police court.

SEC. 3. That all jurors summoned to serve on a jury in the said police court shall serve for a term of one month, and shall receive as compensation for each day's attendance the sum of \$2, and for each half-day's attendance the sum of \$1. Any vacancies in the jury so called for service in the police court shall be filled by talemens to be supplied as now provided by law in the case of vacancies in a jury for service in the supreme court of said District of Columbia. No person shall be eligible for service on a jury in said police court for more than one term in any period of twelve months; but service on said jury shall not render any person so serving exempt, ineligible, or disqualified for service in the said supreme court, except during the time of actual service on such jury in said police court.

SEC. 4. That the power to examine and commit, or hold to bail, in any offense cognizable in the supreme court of the said District, shall remain in the judge of the said police court, as is now provided by law.

SEC. 5. That all laws or parts of laws inconsistent with the foregoing are hereby repealed.

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

Mr. PLATT. I wish the Senator who reported the bill would make some explanation of the provisions of the amendment.

Mr. FAULKNER. The bill simply provides for a jury in the police court of the District of Columbia.

Mr. PLATT. In what kind of cases?

Mr. FAULKNER. Under the existing law there is no provision for a jury in the police court of the District, and under the decision of the Supreme Court, made on the 14th of May, the court held that no case could be tried in the police court except those inferior misdemeanors for breaches of ordinances of the city, and similar offenses, as in other cases the Constitution guaranteed to the accused a trial by jury.

When that decision was rendered, of course it limited very greatly the jurisdiction of the police court by reason of the fact that it had no jury to try cases coming within the decision of the Supreme Court.

The judge of that court, one of the judges of the supreme court of the District, and the district attorney prepared a bill and had it presented in Congress and referred to the Committee on the District of Columbia. The bill has been carefully examined, and all its provisions have been excluded in reference to the appointment of magistrates, which was provided for in that bill extending the criminal system, and only the provisions in reference to the jury retained.

The provisions as to the drawing of a jury are the same as those which govern in regard to the drawing of juries for the supreme court; they are to be drawn under the provision of the law which governs the drawing of juries for that court.

I will state to the Senator from Connecticut that this bill is regarded as exceedingly important in the interest of public justice, for the reason that the criminal court has now adjourned and will not have any jury before October, and unless this bill is passed any one charged with an offense governed by the decision of the Supreme Court will have to remain in jail until the first of October without trial, if it is impossible for him to give bail. For that reason the officers of the District are very anxious that it should be passed as promptly as possible.

Mr. PLATT. In what sort of criminal cases does the police court have original jurisdiction?

Mr. FAULKNER. It has original jurisdiction by statute of petit larceny, of assault and battery, and of such inferior misdemeanors, and is the committing court for all felonies for the criminal court.

Mr. PLATT. It does not include felonies?

Mr. FAULKNER. No.

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

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to provide for trial by jury in the police court of the District of Columbia, and for other purposes."

REPORTS OF COMMITTEES.

Mr. FARWELL. I am directed by the Committee on the District of Columbia to report favorably, and to ask the consideration at this time of the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington.

The PRESIDENT *pro tempore*. The Senator from Illinois asks that the bill may be now considered. It will be read at length for information.

Mr. FRYE. I shall be obliged to object to its present consideration.

Mr. FARWELL. It will take but a moment. It will provoke no discussion.

Mr. FRYE. I am obliged to object.

The PRESIDENT *pro tempore*. The Senator from Maine objects, and the bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2590) granting a pension to George L. Sanders, reported it without amendment, and submitted a report thereon.

Mr. SAWYER (for Mr. DAVIS), from the Committee on Pensions, to whom was referred the bill (S. 3325) granting an increase of pension to Julia M. Edie, reported it without amendment, and submitted a report thereon.

Mr. PAYNE. I am directed by a majority of the Committee on Foreign Relations, to whom was referred the bill (S. 948) for the relief of James and William Crooks, of Canada, to report it without amendment.

In the course of the morning I shall file a written report and the views of the minority.

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

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3054) to abolish the police court and office of justice of the peace in and for the District of Columbia, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom were referred amendments intended to be proposed to the sundry civil appropriation bill for a public building for post-office and other Government purposes, at Roanoke, Va., and for extension of the public building at Lynchburgh, Va., reported them favorably, and moved their reference to the Committee on Appropriations; which was agreed to.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7762) authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PALMER, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment:

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor;

A bill (H. R. 1228) for establishing a light or lights and a fog-signal at or near Ballast Point, entrance to San Diego Bay, California;

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California;

A bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.;

A bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay;

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain;

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey;

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California; and

A bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia;

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9396) for the relief of General William F. Smith, reported it with amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 3383) granting a pension to Mary A. Potts, widow of Dr. Alfred Potts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3384) to purchase a painting of Abra-

ham Lincoln; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

Mr. FAULKNER introduced a bill (S. 3385) to regulate the practice of pharmacy in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PALMER (by request) introduced a bill (S. 3386) providing that the fund held for the redemption of United States notes shall be composed of gold and silver, half in gold coin and gold bullion and half in silver bullion equal in value to the gold half; which was read twice by its title, and referred to the Committee on Finance.

Mr. SPOONER introduced a bill (S. 3387) granting a pension to Charles S. Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3388) granting a pension to Morgan Welsh; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

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

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BLAIR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1887-'88 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

CANADIAN PACIFIC RAILWAY.

Mr. CULLOM. The resolution introduced by me two or three days ago in reference to the Canadian Pacific Railway was to be laid before the Senate this morning. The Senator from Maryland [Mr. GORMAN] wishes to have it lie over. The amendment which he has prepared to offer to the resolution he left by mistake at his rooms.

Mr. GORMAN. I ask that the resolution may lie over until Monday.

The PRESIDENT *pro tempore*. It will lie over until Monday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen;

A bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice;

A bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds; and

A bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes, approved March 3, 1875."

The message further announced that the House had passed the bill (S. 928) in relation to marriage between white men and Indian women, with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also 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. 1312) to provide for a term of court at Quincy, Ill.;

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana;

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota;

A bill (H. R. 6602) for the relief of James O'Brien;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railroad Company;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers; and

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business with open doors.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed in open executive session to the consideration of the fisheries treaty.

Mr. BECK. Mr. President—

The PRESIDENT *pro tempore*. The motion is not debatable. Is there objection to the Senator from Kentucky proceeding? The Chair hears none.

Mr. BECK. I beg pardon. I rose to object to the motion, if I can, and to say that the sundry civil appropriation bill has been pending for several days, and I understood the Senator from Iowa [Mr. ALLISON] intended to call it up this morning. It is a bill of very great importance. There is a great deal of matter in it, and it will take, perhaps, two or three days to dispose of it. Nearly thirty days have gone now since the beginning of the fiscal year, and perhaps it will be necessary to extend the appropriations made by the last sundry civil appropriation act if the bill is not proceeded with at once. I do not think anything else can be as urgent as that bill, and I hope the Senate will proceed to its consideration.

Mr. FRYE. I made the motion because the Senator from Delaware [Mr. SAULSBURY] is very anxious to occupy the floor this morning. His family is sick, and he is liable to be called away at any moment.

Mr. BECK. Oh, if that is the object, it is all right.

Mr. FRYE. I had arranged it practically with the chairman of the Committee on Appropriations.

Mr. BECK. That settles it.

Mr. ALLISON. I will say that I feel the same urgency respecting the sundry civil appropriation bill that the Senator from Kentucky does, but the Senator from Delaware appealed to me saying that he would be perhaps obliged to go away.

Mr. BECK. I did not know that.

Mr. ALLISON. I will say to the Senator from Kentucky and to the Senate that immediately after the conclusion of the remarks of the Senator from Delaware I shall ask the Senate to consider the sundry civil appropriation bill.

Mr. BECK. That is all right.

Mr. SHERMAN. I feel bound to give notice that after the sundry civil appropriation bill is out of the way I shall insist on getting the treaty disposed of as soon as possible, and request Senators who desire to speak on the treaty to be ready to do so early next week. The reasons are manifest, and I shall feel it my duty to press the consideration of the treaty; and in my absence the Senator from Maine [Mr. FRYE] will also press it. I hope that Senators will make their arrangements so as to close the debate at least by Wednesday next.

Mr. FRYE. I beg pardon of the Senator from Ohio for making the motion to proceed to the consideration of the treaty this morning. I did not see him present when I made it.

Mr. SHERMAN. That is all right.

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

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. A treaty, Executive M, between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

Mr. SAULSBURY. Mr. President, before proceeding to discuss the treaty under consideration I may be allowed to refer to a matter which has nothing to do with the merits of the treaty, but which it is necessary shall be placed right before the country.

It is known by the published proceedings of the secret executive session relating to the treaty that the Democratic members of the Senate voted against a motion made by the Senator from Massachusetts to consider the treaty in open executive session, and that the Republican side of this Chamber voted for that motion. This fact has been made the basis for the assertion by the Republican press that the Democratic Senators so voted because they believed the treaty indefensible and desired to prevent a public exposure of its real character. Indeed, it has been intimated upon this floor that our opposition to a public dis-

cussion of the treaty proceeded from that cause. These statements may have prejudiced some persons against the treaty who know nothing of its merits, and will justify a brief statement of the facts relating to the consideration of the treaty in open executive session. Soon after this treaty was sent to the Senate the Senator from Virginia [Mr. RIDLEBERGER] offered a resolution providing for the consideration of the treaty with open doors, which was referred to the Committee on Foreign Relations. That committee at the proper time took the resolution into consideration and reported it back adversely. When it came up in this body the Senator from Massachusetts [Mr. HOAR] made an able speech in opposition to an open discussion of the treaty and depicted in a most solemn manner the danger of discussing treaties with foreign powers in open executive session. He was followed by the Senator from Vermont in an equally able and elaborate argument on the same side, deprecating the injury which would be inflicted on the country by discussing in public treaties negotiated with foreign countries. Mr. HAWLEY, of Connecticut, ably presented the same view of the matter, and upon a yea-and-nay vote only three Senators voted for open discussion. In less than forty-eight hours thereafter (I believe on the very next day) a Republican caucus was held, and it was determined by the caucus that the treaty should be considered with open doors. Then the humiliating sight was presented of every Republican Senator, with one exception (Mr. HALE, of Maine), coming into the Senate and voting for an open executive session, reversing their own action upon the Riddleberger resolution. No more humiliating sight was ever witnessed in the American Senate; Senators who had declared that the interest of the country in its foreign relations would be sacrificed by repealing or suspending the rule of the body which had existed from the foundation of the Government, requiring the consideration of treaties in secret session, at the mandate of a party caucus for a partisan purpose, deliberately bartering their expressed convictions and surrendering their opinions upon a matter of public duty in order to obtain a supposed party advantage. It is supposed that there is a class of voters in this country who are opposed to any treaty or other friendly relations with Great Britain, and the public discussion of the proposed treaty was decreed by a party caucus in order that appeals might be made to their prejudices which would influence their votes in the coming Presidential election. This side of the Chamber deprecates most sincerely the prostitution of the high function of the Senate as a part of the treaty-making power of the Government to partisan purposes, and regrets the evil consequences which may result to the country in the conduct of its foreign relations from the example which has been set in the consideration of this treaty by the Republican members of this body.

But, Mr. President, we have not opposed an open executive session from any apprehension that the treaty was indefensible, or that its public discussion would injure the Administration or the Democratic party. On the contrary, we believe a full understanding of the treaty will commend it to the favorable judgment of the country as a wise and just settlement of a controversy which has threatened at times the harmony and peace of both countries.

If no supposed partisan interests had entered into the consideration of this treaty it would doubtless have encountered hostile criticism and opposition. Almost every important treaty entered into with Great Britain has been opposed by no inconsiderable number of the American people, and too often without such consideration as was necessary to the formation of correct opinions upon the merits or value of the treaties themselves.

While the United States has at all times had greater reasons to maintain friendly relations with England than any other European country, there has seemed to be on the part of many less desire for amity and friendship with that Government than any other foreign power, and less inclination to adjust amicably any matter in dispute between the two Governments.

The treaty of 1793 is, perhaps, the only treaty of much importance which this country has ever made with England that has not encountered severe criticism and opposition.

The struggle for independence and the sacrifices and hardships which it entailed had prepared the people of that day to accept a treaty which acknowledged their independence and established relations of amity and friendship with the government and people from which they had separated. I can recall no other treaty of any great importance negotiated between this country and England that has not met with opposition from some portion of the American people, and for some reason there has seemed to be less desire to maintain kindly relations with that country than other European powers.

The treaty of 1794, negotiated by Mr. Jay, at the time Chief-Justice of the United States, was denounced in every part of the country as a surrender of American rights and a betrayal of American interests, and after its approval by the Senate petitions and remonstrances were sent to the President imploring him not to exchange the ratification of the treaty. Meetings were held in numerous towns and cities and addresses made by able and patriotic men in opposition to the treaty, and its details discussed in the press of that day in no temperate language. The negotiator, Mr. Jay, was denounced and traduced in unmeasured terms, and President Washington censured for his appointment and ac-

cused of assuming power not conferred upon him in negotiating a treaty without having previously submitted the instructions given to Mr. Jay to the Senate for its approval.

The treaty of 1814, which left unsettled some of the very questions for which the war of 1812 was supposed to have been declared, was also denounced for its failure to adjust some of the questions in dispute between the two countries; questions which were considered to some extent, but upon which no conclusion was reached, among others the question of our fishing rights as well as the questions of the right of search and the impressment of seamen.

The treaties of 1818, 1854, and 1871, relating to the fisheries, have been productive of severe animadversion, especially by those engaged in fishing in the neighborhood of the Dominion and by persons representing their interests. Judging from previous efforts at negotiation upon the subject of our fishing rights it is safe to say that no treaty can or will be found on that subject that will not be opposed and denounced by the New England fishermen and those representing their wishes.

The treaty which settled our northwestern border, at one time a very threatening question, gave dissatisfaction to many at the time, and has since frequently been referred to as a surrender of territory that properly belonged to this country. The English people as firmly believed that the settlement then made deprived them of the San Juan Islands and other territorial rights belonging to them. So that it seems to be impossible to adjust any disputed question to the entire satisfaction of everybody concerned. To have insisted upon all that we claimed and to have rejected all overtures of compromise and refused to concede anything to the other party must have eventuated in a war as damaging to us as to Great Britain. The statesmen of that day in both countries had the good sense to prevent by mutual concessions a calamity so dire as well as so unnecessary.

I will refer to one other treaty with England which has been very severely and very unjustly criticised by many persons in this country. I refer to the Clayton-Bulwer treaty, negotiated during the administration of President Taylor. That treaty, after full discussion in the Senate, was ratified; but a misunderstanding having arisen in reference to some of its provisions, it has remained in a measure obsolete and inoperative. Owing to the different constructions put upon it by the two countries, the full benefit which it was intended to secure has not been realized; but it has not been without decided advantage to this country, especially in removing the assumed protectorate of England over what was known as the Mosquito Coast, whereby it has been made possible to construct a canal from the Atlantic to the Pacific by the Nicaragua route, a matter deemed of great importance at the present time. I want to add, in justice to the American negotiator of that treaty, that in a memorable discussion on the subject in the Senate he demonstrated the correctness of his construction of its provisions and vindicated its value and importance to this country.

I have referred to these treaties for the purpose of showing the impossibility of negotiating any treaty with the English Government, however wise its provision or however advantageous to this country, which will give entire satisfaction to the American people. There has always been, and probably always will be, hostility on the part of some persons to the friendly adjustment of any question in dispute between the two countries, and who would rather see the threatening visage of war than the bow of peace on the national horizon.

The President and Secretary of State knew full well before entering into the negotiation upon the subject of this treaty the impossibility of any arrangement that would be acceptable to the New England fishing interest, however just or beneficial to them it might be, but they had a duty to perform to the country whose friendly relations with our neighbors on the north and with England were liable to be interrupted by longer continuance of a condition of affairs such as had existed since the termination of the fishery clause of the treaty of 1871.

The contention about American fishing rights had existed for nearly seventy years and had on more than one occasion excited apprehensions of a serious character, which were only allayed by temporary expedients to be renewed upon the termination of the arrangements adopted.

These temporary arrangements were terminated by our own Government upon proper notice, because they were unsatisfactory to our fishermen and deemed prejudicial to their interest. No preceding administration had attempted or been able to secure a permanent settlement of the questions in dispute, and President Cleveland's administration inherited from those preceding it a controversy which ought to have been disposed of by Congress and the executive government many years ago.

In fact, the settlement of the dispute had been rendered more difficult by the delay in its settlement and by the temporary arrangements of 1854 and 1871.

By the reciprocity treaty of 1854 the Canadian fishermen had been permitted to send their fish into our markets free of duty, and very naturally desired a continuation of that privilege and deemed its discontinuance by the termination of the treaty a wrong and injustice to themselves. On the other hand, our fishermen under the operations of that treaty were unrestricted in their privileges and fishery rights in Canadian waters and free from all interference in provincial ports and harbors under Canadian and British statutes relating thereto. The

advantages enjoyed both by the Canadian and American fishermen under that treaty became to be regarded by both as natural rights of which they could not be properly dispossessed. The treaty of 1871, securing the right of inshore fishing to our fishermen and an exemption from the enforcement of Canadian regulations in provincial ports and harbors, has likewise impressed them with the belief that this deprivation of the privileges which they enjoyed under that treaty is unjust and cruel. The operation therefore of both the treaties of 1854 and 1871 has been to instil into the minds of both the Canadian and American fishermen ideas of respective rights not secured to them under the provisions of the treaty of 1818, the basis of all rights which either can claim. These views on the one side and the other have rendered the adjustment of the contention more difficult from year to year. This difficulty will continue and increase the longer a settlement is postponed.

I have referred to this matter to remind the Senate of some of the embarrassments which had to be encountered by the American negotiators of this treaty—embarrassments which had been intensified by the failure of preceding administrations to settle as they ought to have done the questions in dispute in reference to the rights of our fishermen under the treaty of 1818.

In order to understand properly the grounds of the contention between the two Governments it is necessary to look behind the treaty of 1818 to the fishing rights we enjoyed prior to that treaty. It is well known that England at the time these States were her colonies claimed and exercised exclusive jurisdiction over the waters adjacent to Canada and the other British provinces to the north. She had driven the French fishermen from the neighborhood, and practically controlled the fisheries in those waters many leagues from her provinces, and even from some of the banks, far out in the open sea. The right of all nations to navigate and fish in the open sea was not as well understood and respected at that time as at the present, and the pretensions of England were for a time acquiesced in by other powers.

As subjects of Great Britain our fishermen enjoyed the same liberty of fishing in all the waters claimed to be under the control of England as other subjects of that country, and continued to fish in those waters and along the shores of Canada and the other northern provinces without restriction or hindrance from any quarter until the Revolution which eventuated in the independence of this country. By the treaty of 1783 our former right of fishing in British waters was acknowledged and continued, and hence until the war of 1812 American fishermen could take and cure fish on the coasts and in the bays and creeks of the British possessions at pleasure, and as freely and unrestricted as the inhabitants of the provinces themselves.

It might be difficult to determine upon what principle this liberal concession was made, but it is most likely that it was because the future value of those rights was not at the time foreseen.

We could not have claimed the privileges conceded as a right belonging to us under international law or national comity, and would not, I apprehend, have conceded such privileges to British subjects on our own shores and in waters lying wholly within our territorial limits. However, under that treaty we possessed and enjoyed the most ample fishing rights for more than a quarter of a century until they were interrupted by the war of 1812. England contended that that war abrogated, as it had suspended, the treaty of 1783, so far as fishing rights were concerned, and refused longer to acknowledge our rights in that regard. The treaty of 1814 left the matter unsettled, which led to the convention of 1818. The first article of the treaty agreed upon in October of that year reads as follows:

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, heretofore described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

It will be perceived that whatever rights of fishery we had hitherto enjoyed under the treaty of 1783 were renounced forever by the United States in the treaty of 1818, except such as were specifically reserved therein and confirmed to this country by the treaty of 1818. We therefore have now no other basis for any claim of right to fish in British or Canadian waters than the treaty of 1818, and the abroga-

tion of that treaty by this Government would exclude us from all fishing grounds within the territorial jurisdiction of the British provinces absolutely. I have heard it said in this debate that the abrogation of the treaty of 1818 would remit us back to the treaty of 1783, and restore to us the rights we enjoyed under that treaty. I shall express no opinion upon the effect in that regard of the repeal of the treaty of 1818 by the British Government. That would be the deprivation of rights secured to us by the surrender of other rights we possessed or claimed under a former treaty, and might, perhaps, be justly held to restore the rights surrendered. But, sir, we could not claim that the voluntary relinquishment of our present privileges would restore such as we had formerly renounced. In the one case the contract would be broken by England, in the other by the United States, and the party in default might not justly take advantage of its own wrong.

The language of the first article in the treaty of 1818 has been understood by the two governments very differently, and has led to a contention which at times has threatened to disturb the peace of the two countries, and which it has been heretofore impossible to adjust. It would be unfair to assume that the contention on the one side or the other found no support or justification in the language employed in the treaty of 1818, and however firm the conviction on the part of any one that the American construction of the treaty is right, it will not be denied that the British view of the matter has been maintained with no little ability, and a persistence that evinces the sincerity of that Government in the position it has maintained so earnestly upon the subject.

It may be proper to state very briefly the character of the dispute between the two governments in order the better to understand the provisions of the treaty under consideration. This may be unnecessary so far as Senators and others who have examined the correspondence between the two governments on the subject are concerned, but many persons in the country who will read the debates upon this treaty have not had that opportunity, and are, perhaps, uninformed of the nature of the contention which the treaty is designed to settle.

On the part of this Government it has been contended that American fishermen have the right under the treaty of 1818 to take fish, not only in the open sea 3 miles from the coast, but in the bays and other waters within the territorial jurisdiction of the British provinces outside of a 3-mile limit from land. It is further contended on the part of this Government that the English and provincial statutes or commercial regulations relating to fishing vessels, under which seizures and other interference with our fishing vessels have taken place, is in contravention of the true intent and meaning of that treaty.

On the part of the British Government and her dependencies it is contended that we have no right under the treaty of 1818 to fish in any bays or other waters within their territorial jurisdiction, nor nearer than 3 miles to such bays and waters, and that the statutes and commercial regulations of which we complain are authorized by that treaty and necessary for the protection of their own fishing interests, and that the seizures and other interference with our fishing vessels have been for the violations of their statutes enacted for the protection of their own rights.

It is not my purpose to state the grounds or arguments by which this contention has been supported, on the one side or the other. That can be found in the published correspondence between the two governments, and will be found interesting and instructive to such as may examine that correspondence. It is, however, not necessary to a proper consideration of the pending treaty to recount the arguments urged in behalf of the views of the respective governments upon the matter so long in dispute, and which this treaty if ratified would forever settle.

It is not necessary to consume much time in observations upon the merits of the proposed treaty. The advantages which it secures to American fishermen are plainly set forth in the views of the minority of the Committee on Foreign Relations, and have been ably presented in debate by others who have preceded me, and need no further elaboration. Every one at all familiar with the complaints of our fishermen at the restrictions and limitations imposed upon them will, upon an examination of the treaty, find that it removes many of the causes of complaint and secures to them rights and privileges heretofore denied them and to which they were not entitled under the treaty of 1818; privileges which it has been heretofore contended were invaluable and the denial of which it was insisted disregarded that comity which should obtain among civilized nations and could only be refused by a violation of the dictates of humanity. These advantages have been secured by the proposed treaty to our fishermen without the surrender of any valuable privileges which they have heretofore enjoyed, and by this treaty they are placed in a position where they may pursue their calling free from annoyance or apprehension of molestation from any quarter.

It defines clearly and distinctly the enlarged rights and privileges they may enjoy in the ports and harbors of the British provinces so that no misapprehension on that point can hereafter exist. The merit of this treaty is not to be judged by the recognized principles of international law or national comity or the claim of humanity, but by a comparison of the rights and privileges which it secures with those to

which we are entitled under the treaty of 1818. If our fishing rights depended upon international law or national comity we should be excluded absolutely from fishing in the bays and other waters lying within the territorial jurisdiction of the provinces, and also from the rights we now have of taking and curing fish and drying nets, etc., on the coasts of Labrador and parts of Newfoundland. We might perhaps be entitled under international law to greater commercial rights for our fishermen in the ports of the provinces than we now have under the treaty of 1818; but no one will contend that we could fish in the bays, creeks, and other waters belonging to England and her dependencies. Whatever rights we now have must be found in the treaty of 1818 and compared with the privileges and rights therein secured; the proposed treaty is much more liberal and advantageous.

The objections to the proposed treaty found in the report of the majority of the committee are based largely upon supposed undefined rights to which we are entitled independent of the provisions of the treaty into which we entered in 1818. It may have been unfortunate that we entered into that treaty, but having made it, we must abide by it or seek release from its restrictions by treaty modification of its provisions. We can not justly claim any right for our fishermen which it does not secure, and if we are not satisfied with its restrictions and inhibitions our remedy is to annul the treaty or obtain a modification of its provisions. It is folly to talk about rights outside of it or independent of it as is done in the report of the committee. Whatever rights we once had under the treaty of 1783 were given up and voluntarily renounced for the rights and privileges conceded to us in the treaty of 1818. We can not now claim enlarged rights under national or international comity or the recognized laws of humanity. We have entered into the bond and must abide by it, however narrow and restrictive its terms, or obtain some abatement of its conditions by treaty stipulations.

If there was any certainty or even a reasonable hope that a more favorable arrangement with England and Canada could be made, it might justify a rejection of the proposed treaty; but no such expectation can be entertained.

The concessions to our fishing vessels in the ports and harbors of the provinces contained in the proposed treaty is a relaxation in their favor of the regulations applying to the fishing vessels of all other nations. We sometimes hear it said that the Canadian and English statutes relating to fishing vessels are harsh and unfriendly regulations, enacted to hinder and perplex our fishermen; and there is no doubt that their enforcement has sometimes been not only harsh, but offensive and cruel; but the statutes themselves apply with equal force to fishing vessels of all other nations as well as to those of the United States. Whatever relaxations of those statutes have been obtained in this treaty for the fishing vessels of New England are exceptions in their favor. Many of the then statutes, both of Canada and the other provinces, as well as those of England, had been in existence for a long time, and although complaints had sometimes been made of the manner of their execution and the injury inflicted upon our fishing vessels under color of those laws, no relaxation of their rigid enforcement had been obtained by any previous administration; and now that modification of their provisions has been secured in the proposed treaty which will prevent further injury to our fishing interests, they are declared to be trivial and of no value by the majority of the Committee on Foreign Relations and other Senators who oppose the treaty, while they magnify the value of the bays and waters marked by delimitation, and in which we relinquish any claim of right to fish hereafter.

If the complaints of our fishermen for the last two years were not groundless, which no one suspects, then the concessions made in this treaty are invaluable, and will prove, if the treaty is ratified, of singular advantage to our fishing interests. Great, however, as may be the value of the proposed treaty to those engaged in fishing, it measures but a very small part of its importance when we consider it in a broader view as a settlement of a long-standing controversy which on several occasions has threatened the interruption of our friendly relations with England and her dependencies, and which, unless arranged, is liable to put in jeopardy the material interests and peace of both countries. We can not disguise the fact that the harmonious relations of the two countries, both anxious to maintain with each other the most cordial and friendly intercourse, is liable to be seriously disturbed by the injudicious action of those of their citizens engaged in the same occupation with mistaken ideas of their respective rights and interests.

He who is willing to continue a condition of affairs which, by the remotest possibility, may endanger the peace of the country, or even suspend commercial intercourse for a time with England or her American possessions, when such a calamity can be honorably prevented without the sacrifice of any valuable interest, is, to say the least, callous to the true interest of his country, not to say indifferent to the highest demands of patriotic duty.

This treaty, while securing to us valuable rights and privileges heretofore denied, and which no previous administration had been able to secure, gives up no undisputed right heretofore claimed or any privilege which can justly be regarded as of the slightest value. The objections to this treaty are captious and too insignificant to be interposed to prevent a settlement of a long-standing controversy which will be con-

tinued and aggravated by the rejection of the treaty, and the pretense that it secures no valuable rights to our fishermen is so absurd that it is surprising that Senators will venture to make such assertions.

No one who has heard the complaints of our fishermen in the past, or read the protests of the present Secretary of State in his vigorous correspondence with the British minister against the wrongs inflicted upon them, and then impartially examines the provisions of the treaty which guaranties them exemption from such wrongs in the future, can fail to see the great value of this treaty to that class of our citizens as well as the security which it affords to the future peaceful relations of the two countries. The value of this treaty to us is well understood in England and Canada, and I present a brief summary of the concessions made to this Government in the treaty announced in debate upon it in the Dominion Parliament by Mr. Ellis, a member of that body from New Brunswick, who declared himself in favor of the treaty because the concessions were right and proper to be made.

THE FISHERIES TREATY.

[From the Portland Advertiser.]

In the course of the debate in the Canadian House of Commons on the fisheries treaty, Mr. Ellis, of New Brunswick, enumerated the following list of concessions made by the Canadian Government in accepting the treaty:

First. We have by that very act of making this treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the treaty of 1818, thus enlarging the restrictions of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.

Second. We have almost wholly abandoned the contention that fishing vessels are a class by themselves, and therefore not entitled to any commercial privileges.

Third. We entirely and forever abandon the 3-mile headland theory.

Fourth. We forever admit the right of United States fishermen to navigate the Straits of Canosa.

Fifth. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

Sixth. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

Seventh. We free them from harbor, pilotage, and other dues, which are sometimes inhospitably and often capriciously imposed upon them, even in cases where they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

Eighth. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.

Ninth. We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

Tenth. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait, but there will be no difficulty whatever of purchasing bait under it.

Eleventh. By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1886.

Twelfth. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessel is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases \$3 a ton is the highest fine which can be imposed.

Thirteenth. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

Fourteenth. And lest the punishment of an infraction of the new treaty, or that of 1818, should seem to be unjust, and to prevent the danger of giving offense to the United States, the Government of Canada can reverse the judgment of the court.

Continuing, Mr. Ellis explained that he did not object to these concessions. He was glad the Government had learned a wholesome lesson. The petty annoyances practiced upon the fishermen of the United States were impolitic, and might perhaps defeat the treaty in the United States Senate. The spirit of the treaty should have been shown before, and he, for one, was in favor of a repeal of all the restrictions of the treaty of 1818.

By reference to the treaty it will be found that the advantages secured thereby to this country are not overestimated by Mr. Ellis, but that his statement of the concessions made to this Government is warranted by a fair and just examination of the provisions of the treaty. I shall not enter into a review of the various articles of the treaty, but content myself with the general statement that it secures to our fishermen valuable privileges heretofore denied them and exemption from the annoyances and interference of which they have heretofore complained without the deprivation of a single right enjoyed or claimed of any practical value whatever.

I will now notice some of the objections raised to this treaty, and will first refer to one suggested in the report of the majority of the Committee on Foreign Affairs. That report more than intimates that the President had no right to negotiate this treaty without first having obtained the advice and consent of the Senate as to the agents to be employed and the instructions under which they were to act. This is the second time the assertion has been directly or impliedly made by committees of this body within the last three years that the Senate of the United States has a supervisory power over the performance of executive duties by the President. It is an attempt to revive an obsolete idea exploded nearly a hundred years ago, and to assume for the Senate powers not conferred upon it or upon both Houses of Congress combined. We discussed this question, so far as it relates to the removal of executive officers, in the last Congress, and I shall not say anything upon that subject now; but the report of the majority of the committee advances a step further than was then claimed, and impliedly, at least,

denies to the President the right to select agents to negotiate a treaty without first obtaining the advice and consent of the Senate as to the persons selected and the instructions under which they shall act.

This idea of senatorial supervision over the negotiation of treaties by the President had some advocates in the early history of the country, but had long since been abandoned, and has not been thought of for nearly a hundred years, until brought forward as one of the objections to this treaty. Mr. Pinckney, of South Carolina, in a speech at Charleston in July, 1795, advanced the same idea as one of the objections to the treaty of 1794. President Washington had nominated Chief-Justice Jay as envoy extraordinary, etc., to England, who negotiated that treaty without the Senate's having been informed of the instructions given him, which Mr. Pinckney thought ought to have been done. He advanced the same views which are suggested in the committee's report in favor of the right of the Senate to superintend the negotiation of treaties. This view was not sustained by the judgment of the country at that time or by the Senate itself, and its fallacy was demonstrated by a logical and lucid argument of Mr. Hamilton, in reply to the speech of Mr. Pinckney (Second volume American Remembrancer, pages 106-8.)

The speech then lays down this doctrine, in positive terms, "that the Constitution gives no power to the President to commence a negotiation without previously submitting his intentions and instructions to the Senate, requiring their advice, and receiving their assent;" and the words of the Constitution, "to make treaties, by and with the advice and consent of the Senate," are the text for this strange commentary.

The extent of the position is "that the President has no power to enter into any negotiation whatever without previously consulting the Senate and receiving their opinion, advice, or assent, as well with respect to the necessity of such a negotiation as to the propriety of his instructions," a position inconsistent with the very principles of our Constitution, as well as of every other among civilized nations; repugnant to the practice which has prevailed since the first operation of the present Government and to the practice which now prevails in France, where democratic principles are carried to the utmost extent; a position which would reduce the President from being the supreme executive of the Union to the mere organ and instrument of the Senate.

By the Constitution "the executive power is vested in the President of the United States." Were there no limitation to this power, in relation to treaties, there would result to the Executive, as such, the power of making treaties. But the Constitution, in specifying the powers of the President, has wisely limited this power, and has declared, after mentioning the various duties of the President, some of which he may perform without the intervention of any other branch of the Government, that "he shall have power, by and with the advice and consent of the Senate, to make treaties."

This limitation of the executive power can not be further extended than the clear import of the terms; it can apply only to the making of treaties and not to the negotiations which precede them. The President may, therefore, of his own mere motion, commence or enter on any negotiation and give what instructions he may think proper to his agents, but the negotiations when completed can not constitute or make a treaty which shall be obligatory on the nation without the advice and consent of the Senate.

The doctrine laid down in the speech is, that no negotiation can be commenced, no instruction can be given without the previous consultation and approbation of the Senate. He then goes on to test the soundness of that view, and concludes:

We find, then, by the Constitution that the executive power is vested in the President, and I have advanced that every power of an executive nature is incident to the President where it results from the nature of the General Government, and is not limited and restricted by some special provision. The association of the Senate with the President in relation to this point is limited merely to the making treaties, which are then the supreme law of the land, and does not extend to the entering on or commencing negotiations which are not the law of the land, but mere instruments of writing, mere obligations in embryo which have no effect or validity, and do not become treaties until approved by the Senate. The difference between commencing a negotiation and making or concluding a treaty is too obvious to be questioned. The limitation, then, being confined to the making or concluding the treaty, all the other preparatory powers result to the Executive as such by virtue of the Constitution.

So that this idea which has been revived in the report of the Senate Committee on Foreign Relations that the Executive must first consult the Senate and lay before them not only the names of the agents whom he employs in the negotiations, but the instructions under which they act, has been examined heretofore and has not been thought of, as I before remarked, for nearly a hundred years until this committee in its wisdom brought it forward as an objection to this treaty. It must have been the supposed weakness of the objection to the proposed treaty on its merits that induced the majority of the committee in their report to inject into it a suggestion of usurpation on the part of the President in presuming to exercise executive power in the negotiation of a treaty without the permission of the Senate.

There is much more danger of usurpation of power on the part of the Senate, as is fully proved by the deliberate attempt of this body a short time ago to divest the President of the power of removing objectionable Federal officers, than there is that the President, who is liable to impeachment by Congress, will attempt to assume authority in violation of constitutional provision.

The complaint of the majority of the committee that the President had appointed commissioners to assist the Secretary of State in negotiating this treaty without consultation with the Senate, and that the negotiation had been concluded without the advice and consent of the Senate, will justly be regarded, not as a bold assertion of the power of this body over the exercise of executive functions by the President, but as a covert claim that the President has no right to enter upon the negotiation of a treaty upon any subject or with any government without humbly asking the permission of the Senate of the United States.

The Senate may volunteer its advice to the President in reference to the negotiation of treaties if it so desires, and he may or may not act upon such advice; or he may, if he desires, ask the advice of the Senate. But he is under no obligation to do so, and from the temper manifested by the majority of this body towards the present Executive he would degrade his high office to ask its advice upon any matter purely executive unless required to do so by the Constitution he has sworn to support. I should be glad to see at all times the observance of that courtesy, cordiality, and confidence which ought to exist between the executive department and the Senate, and as a member of this body would defend and maintain every just right which it can claim; but I hope the time will never come when the exercise of executive functions by the Chief Magistrate of this country shall depend upon the will and pleasure of a majority of this body.

The country will estimate at its true value the intimations of the committee "touching the usurpation of unconstitutional power" by the President in the negotiations of this treaty, and will be more likely to attribute the suggestion to partisan motive than a desire to protect the country from Executive usurpation.

It is said that the treaty concedes the headland claim of the British Government and surrenders the right to fish within certain bays and waters marked by delimitations in the treaty. It is well known that England and Canada have always contended that by the terms of the treaty of 1818 we had no right to fish nearer than 3 miles of any of the bays and creeks within their territorial jurisdiction, and that whatever privileges we have enjoyed therein, except under the treaties of 1854 and 1871, was of comity and not of right. That such a claim on their part found some support in the terms of that treaty can not be denied. But without expressing any opinion upon the justice of this claim, and conceding for the sake of the argument that it was not well founded, it is sufficient to say that the concession, if any has been made, settles a long standing contention and eliminates from the controversy between the two Governments one of the questions in dispute, and which at times has threatened the peace of the two countries.

If the privilege alleged to have been surrendered had been one of some value and given up upon no other consideration than a desire to establish perfect cordiality and prevent discord in the future, it would find sufficient justification and excuse. But when we remember that the treaty yields no admitted right, but merely settles by compromise a contention of long standing, which has given trouble in the past and which, if it had ultimately been decided in our favor, of which there could be no reasonable expectation, would have proved of no value to our fishermen, whatever may be its value to the Canadian people, this provision of the treaty should commend it to the favor of the Senate.

But the objectors to this provision of the treaty say that the headland claim had virtually been abandoned by the British Government, and that if our negotiators had insisted with determination England would have renounced her pretensions in that regard. Nothing could be further from the truth. England has never abandoned her position on that point, and I venture nothing in saying that she never will abandon it and never can abandon it further than she has done in the proposed treaty and hold her provinces in allegiance to herself.

Around these bays, lying wholly within the territorial limits and jurisdiction of the provinces, are the homes and settlements of Canadian fishermen and others, who regard these waters as belonging exclusively to their governments and all intrusion therein by foreigners as an invasion of their just rights. Who will say that their exclusive claim to the use of these waters is not justified by the example of other nations, if not by the language of the treaty of 1818.

Would our Government permit the fishermen of Canada or of any foreign power to enter the bays and other waters lying wholly within our limits and jurisdiction and fish therein under a claim of right or under national comity? Could foreign fishermen enter the Delaware Bay or the Chesapeake Bay, each as large as any of the bays marked by delimitations in the treaty, and pursue their avocation with impunity? Certainly not. No American Senator and no American citizen would be willing to see such a right conceded by their Government. Nor can our fishermen claim a right to enter and fish in the waters of the Dominion unless that right is secured by the treaty of 1818. When did England abandon her headland claim, as has been asserted by the objectors to this treaty? Whether it was well founded or not, it has been steadily maintained in every discussion upon the subject whatever relaxations of it may at times have taken place.

I now propose to refer to a speech of Mr. Foster before the Halifax Commission in which he recognized the existence of that controversy about the headland question. On page 1589, volume 2, Documents and Proceedings of the Halifax Commission, Mr. Foster said:

When I commenced the investigation of this question I supposed that it was probable that an important question of international law would turn out to be involved in it, relative, of course, to the so-called headland question, which has been the subject of so much discussion between the two governments for a long series of years; but the evidence that has been introduced renders this question not of the slightest importance, and inasmuch as it is a question which you are not empowered, except incidentally, to decide, a question eminently proper to be passed upon between the governments directly, I presume you will rejoice with me in finding that it is not practically before us, and that we need not trouble ourselves concerning it.

If it had appeared in this case that there was fishing carried on to any appreciable extent within the large bays, more than 6 miles wide at the headlands,

and at a distance of more than 3 miles from the contour of the shores of those bays, the United States would have contended that their citizens, in common with all the rest of mankind, were entitled to fish in such great bodies of water as long as they kept themselves more than 3 miles from the shore. In short, they would have contended, as it has been contended, in the brief filed in this case, that where the bays are more than 6 miles in width from headland to headland, they are to be treated in this respect, for fishing purposes, as parts of the open sea; but the evidence, as I said before, has eliminated all that matter from the inquiry.

So that Mr. Foster in the discussion before that commission recognized it as an existing question between the two Governments at that time, which was in 1876, I believe—that the headland question was an existing question which had long been pending between the two Governments, and which he said was eminently proper to be and should be adjusted by the Governments and not by the Halifax Commission.

Mr. Thompson, who represented the British case, when he came to make his argument referred to the language used by Mr. Foster; and I will read from his remarks in order to show that on the part of the British Government the claim of the headland theory still existed on their part:

There was one matter which, if I may use the expression of my learned friend, the agent of the United States, at one time appeared likely to loom up with very great importance. I refer to the headland question. I feel that I can congratulate this commission that, for the purpose of their decision upon the subject submitted to them, that question does not assume any importance whatever in this inquiry. But I wish to guard myself distinctly from assenting to the view presented by Mr. Foster when alluding to that subject. He rather appeared to assume that for practical purposes this headland question had been abandoned by Her Majesty's Government, and that the mode of conducting this inquiry on the part of the counsel for Her Majesty's Government showed such an abandonment. I beg to set my learned friends on the other side right upon that matter. There has been no abandonment whatever. It only comes to this: that in this particular inquiry the evidence has so shaped itself on either side that your excellency and your honors are not called upon to pronounce any opinion on the subject. There can be no doubt that under the terms of the treaty your excellency and honors are not empowered to pronounce any authoritative decision or effect any final settlement of that much-vexed question.

Incidentally, no doubt, it might have fallen within your province to determine whether the contention of the British or of the American Government in reference to that question were the correct one; because had it been shown that large catches had been made by the American fishermen within the bodies of great bays, such as Miramichi and Chaleurs, it would have become at once necessary to come to a decision as to whether we were entitled to be credited with those catches. But in fact no such evidence has been given. And that course was taken somewhat with the view of sparing you the trouble of investigating that question, when the treaty did not empower you to effect a final decision of it. The learned counsel associated with me on behalf of Her Majesty's Government and myself shaped our evidence as much as possible with reference to the inshore fisheries. We concluded that if the American Government, who had put this matter prominently forward in their brief, intended to challenge a decision from this commission, they ought to have given evidence of large catches made by their vessels in those bays. They have not done so.

The evidence on our side has shown that to a very great extent the value of the fisheries is inshore; that undoubtedly very large catches could be made in the bodies of those bays, and that the fish frequent the body of the bays as well as the portion within 3 miles from the contour of the coast all around those bays; but we tendered evidence chiefly with relation to the fisheries within 3 miles of the shore, by no means intending to have it understood—in fact, we expressly disclaimed the intention of having it understood—that there were not in the bodies of those bays valuable fisheries. I can only say, however, that before this commission there is no evidence of that, and you may dismiss it, therefore, from your minds. When this headland question shall hereafter arise, if it should unfortunately arise, then I beg to say that the position laid down when the convention of 1818 was made has since been in no way departed from. My learned friends on the other side point to the Bay of Fundy. They say there is a bay which Great Britain contended came within the convention of 1818, and yet she was obliged, in consequence of the decision given by Mr. Bates in the case of the *Washington* in 1854, to recede from that position in reference to that bay. I beg to say that Great Britain did not recede.

It was stated on the other side that it was *res adjudicata*. I say it is not. It is wholly improbable that the Bay of Fundy will ever again become a matter of contest between the two nations; but the fact in regard to that case is that Great Britain gave the United States the right to do in that bay that which answered their purpose quite as well as if she had abandoned her claim. She relaxed any claim that she had by the convention of 1818, and that relaxation has never been departed from, and in all human probability never will be departed from for all time to come. But it is relaxation, and nothing else.

Mr. GRAY. That assertion was made by the British counsel in 1877.

Mr. SAULSBURY. Yes, sir; that assertion was made, as has been remarked by my colleague, by the British counsel representing the British Government before the Halifax Commission, in which he most distinctly affirmed the headland claim of the British Government; and yet it has been said in debate here that that claim has been abandoned or virtually abandoned, and our negotiators have been charged with not pressing our opposition to it with sufficient energy and vigor so as to obtain an acknowledgment of its abandonment in the treaty.

But, sir, the British Government has never abandoned it, and I repeat again that she never can abandon it further than she has in this treaty and hold her northern provinces in allegiance to herself. It is a vital question to the people of the northern provinces, and they will assert it and they will demand of Great Britain as her dependencies that she shall interpose to protect them, and this concession made in this treaty on that question, Mr. Ellis acknowledges in the debate to which I have referred, has been made as a practical abandonment of the headland theory in this treaty, which was never done before.

Mr. Trescot has been very officious in his strictures and censures upon this treaty, perhaps a little intensified because he was not employed as one of the negotiators of the treaty. He, too, in that discussion before the Halifax Commission recognized this treaty, and made some statements which I do not agree with entirely; nevertheless he

acknowledged this headland theory to be an existing question between the two governments. On page 1639 of the same volume he said:

Then, with regard to the character of the convention of 1818. I wish to put on record here my profound conviction that, by every rule of diplomatic interpretation and by every established precedent, the convention of 1818 was abrogated by the treaty of 1854, and that when that treaty was ended, in 1866, the United States and Great Britain were relegated to the treaty of 1783 as the regulator of their rights. That proposition I will maintain whenever the proper time arrives. But certainly I am not at liberty to take that ground here at all, and for this reason: that by the action of the two governments and by the formal incorporation, so to speak, of the treaty of 1818 in the treaty of 1871, that treaty is made the practical rule of decision in this case; consequently, we have nothing to do with that, except to say this: that the treaty of 1818 depends for its validity and its existence upon the headland question; that the two stand or fall together; because the convention of 1818 was a relinquishment of certain rights upon certain conditions, and if those conditions are not understood in the same sense by the parties to the contract, the contract ends or is to be submitted to arbitration. If, then, the treaty of 1871 should end, with nothing else to supply its place, it would be absolutely necessary either that the headland question should be settled or the convention of 1818 should be considered as annulled.

After giving his views upon that subject; that on the termination of the treaty of 1871 we were remitted back to the treaty of 1783, I deny that Mr. Trescott is a very reliable censor of this treaty.

We had as well deal frankly with this matter. The headland contention had never been abandoned by Great Britain, but had been steadily insisted upon whenever it was deemed necessary to assert it. I do not say that the claim of England in that matter is right. I am only saying that she had steadily insisted upon it, and that the assertion that she had withdrawn from that contention is contradicted by the repeated declarations of her public men and diplomatic agents authorized to speak for her on the subject. For nearly seventy years she has denied our right to enter the bays and other waters over which her territorial jurisdiction extends (except by her permission, as under the treaties of 1854 and 1871), for the purpose of fishing or preparing to fish therein. This treaty settles that controversy, and if ratified will prevent any possibility of disagreement between the two countries hereafter on that subject. Is it not a matter of great importance to settle a dispute of long standing which at times has threatened to disturb the amicable relations between this country and England, and which remaining unsettled might put in peril not only the commercial interests but the peace of both countries?

But it is said that in agreeing to the delimitations of bays fixed in the treaty and those to be determined by a joint commission our negotiators surrendered our right to fish in large bodies of water where we were clearly entitled to enter for that purpose. That is hardly a fair statement of the case. Our claim of right to fish in the bays marked by delimitations was a disputed claim as persistently denied by England and the provinces as asserted by our own Government. The treaty surrenders no admitted American rights, but simply agrees to an equitable and honorable compromise of a disputed question which seventy years of controversy had failed to settle. But admitting for the sake of the argument that the delimitations provided for in the treaty yield up a clear right of fishery in the waters so marked, may we not assert that the treaty secures much more valuable rights to our fishermen than the privilege of fishing in the bays from which they are to be excluded by it?

The tenth and eleventh articles of the treaty—to say nothing of other valuable rights secured to our fishing vessels—confer immunities and privileges heretofore deemed indispensable to our fishing fleet and the denial of which has been a subject of bitter complaint for many years. These provisions of the treaty guaranty our fishermen from the annoyances and troubles to which they have heretofore been subjected and will prove, if the treaty is ratified, of inestimable value in the future prosecution of their business. The delimitations agreed upon in the treaty exclude us from no bays in which our right to fish was undisputed, and surrender no claim of right which has any practical value whatever. The statement, therefore, that the treaty surrenders any valuable right is fanciful and fallacious, and is contradicted not only by the sworn testimony of numerous persons engaged in the fishing business, but by the written report signed by members of the Senate who now urge this objection to the treaty.

The objection made to the treaty founded on the allegation that it gives up any right of fishing anywhere does not discriminate between a disputed claim of right and a recognized and undisputed right. We claimed the right under the treaty of 1818 to fish in the bays and creeks of the provinces outside of 3 miles from the shores. England has never admitted this claim, but denied it absolutely and persistently, so that the treaty surrenders no admitted right, but simply agrees to a settlement of a disputed claim which for seventy years has been strenuously resisted and denied by England and her dependencies. We have had able men at the head of the State Department who have discussed the headland question with English statesmen without obtaining from that Government the faintest intimation that our construction of the treaty of 1818 would ever be admitted. Did any of the distinguished men who for fifty years preceded the present Secretary of State—Mr. Webster, Mr. Seward, Mr. Fish, Mr. Blaine, Mr. Evarts, Mr. Frelinghuysen—some of whom discussed this question with British ministers and heads of their foreign offices, and all of whom had the question open before them, obtain the slightest recognition of the justice of our claim to

fish in the bays over which the jurisdiction of the provinces extended? The assertion, therefore, that the treaty surrenders a right to fish in British bays is not only a misconception but a misrepresentation of the facts in the case, and does great injustice not only to our negotiators of the treaty but to former Secretaries of State who have failed to have such right acknowledged.

In saying, Mr. President, that this treaty surrenders no admitted right of fishery in British waters, but only compromises a disputed point, I do not wish to be understood as denying that our contention was just. I will not go even so far in that direction as Mr. Webster when he said:

It would appear that by a strict and rigid construction of this article—

In the treaty of 1818—

fishing vessels of the United States are precluded from entering into the bays, etc.

And that—

It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England.

I go no further in saying that this treaty abandons no admitted right, but only agrees to settle a disputed claim, than Mr. Evarts went when, as Secretary of State, he characterized the contention as an—irreconcilable dispute as to the true intent covered by the somewhat careless and certainly incomplete text of the convention of 1818.

I will not go so far as Mr. Edward Everett when, in his correspondence with Lord Aberdeen, May 25, 1844, after stating what our rights had been under the treaty of 1783 and then quoting the language of the treaty of 1818, he went on to remark:

The existing doubt as to the construction of the provision arises from the fact that a broad arm of the sea runs up to the northeast, between the provinces of New Brunswick and Nova Scotia. This arm of the sea, being commonly called the Bay of Fundy, though not in reality possessing all the characters usually implied by the term "bay," has of late years been claimed by the provincial authorities of Nova Scotia to be included among "the coasts, bays, creeks, and harbors" forbidden to American fishermen.

He denied that the Bay of Fundy was such a body of water as was included in those terms; and he went on to say:

An examination of the map is sufficient to show the doubtful nature of this construction. It was notoriously the object of the article of the treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States, along the coasts and upon the shores of the settled portions of the country; and, for that purpose, to remove their vessels to a distance not exceeding 3 miles from the same. In estimating this distance, the undersigned admits it to be the intent of the treaty, as it is itself reasonable, to have regard to the general line of the coast; and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted—as included within that line.

I do not go so far as Mr. Edward Everett went in 1844, and yet I suppose the Senator from Colorado will think that I am, as he has characterized the action of others, taking the British or Canadian side of this case. I do not care where the truth may lead, I shall follow that light to the very shades and abode of darkness rather than be untrue to my own convictions. But in this argument I am not attempting to defend the British construction. I am saying that I do not go as far as Mr. Edward Everett went in that line. I do not go as far as Mr. Daniel Webster went. I go no further than the Senator from New York [Mr. EVARTS] went when he was Secretary of State.

With these declarations of Mr. Webster and Mr. EVARTS on the official records of the country, am I not justified in saying that the allegation that the treaty surrenders a valuable right of fishery in British waters is unjust and untrue? It surrenders no admitted right, but simply settles by compromise a long disputed claim of a right to take fish in certain bays lying wholly within the territorial limit and jurisdiction of England and her North American possessions—a privilege, if undisputed, of no practical value to us, as must be admitted by every member of the Senate who has read the testimony of the fishermen themselves taken before a committee of this body, as well as that presented by this Government before the Halifax Commission. The denunciation of this treaty on the allegation of a surrender of American rights when no admitted right has been given up and no claim of right of any possible value has been abandoned, can find no justification or excuse in the mind of any man who wishes to form an honest judgment of the treaty.

Let us now look at the testimony bearing on the value of fishing rights to American citizens in the waters from which they are to be excluded by this treaty. That question has been fully examined, and the evidence obtained under oath is in the possession of the Senate, so that no mistake can be made upon that question.

On this point I shall cite, first, some of the evidence submitted by Mr. Dwight Foster, charged with the management of the American case before the Halifax Commission, in 1877. The testimony and statements of the Gloucester fishermen were presented before that commission to prove what was the actual value of the fishing rights in the waters of the Gulf of St. Lawrence and those appurtenant thereto. I can not read all the testimony which was taken in that case; it is very voluminous, but I will read some of the testimony to show the general character of all the testimony given by the fishermen and the men engaged in the fishing business in Gloucester, showing that the fishing rights in those waters are of no value whatever to the American fishermen at the present time.

Mr. Michael Walen, a fisherman, states:

Most of our vessels are codfishing on the ocean banks and some of them are off our own shores mackereling. We send no vessels into the Bay of St. Lawrence this year. Our experience is that the mackerel fishery there is a failure. Last year we sent one vessel 150 tons with 20 men, and she brought home as her season's work 70 barrels of mackerel. As that fishery has been the last five years, to pursue it would be ruinous. Our vessels enter British waters only for supplies and bait, for which we pay cash.

Benjamin Maddocks & Co. say:

We employed a part of our fleet in the Bay St. Lawrence fisheries during the years 1871-'72-'73, and found it to be a losing business, and since 1873 we have employed our vessels in the Grand Banks and Georges and American shore fisheries, with the exception of one trip to the Bay St. Lawrence in 1874, which did not pay one-half the expenses of the voyage, and we consider the Bay St. Lawrence fisheries entirely worthless to us, and have so considered them for the past four or five years.

Mr. George Dennis and Mr. George Tucker say:

Our vessels are mostly confined to ocean banks for fish. We do not take any fish in British waters. The Bay St. Lawrence fisheries have proved a failure in our experience. Vessels sent there for the past five years have not paid their expenses, and to continue the business in that direction would prove ruinous.

Mr. Samuel Haskel states:

Have sent no vessels into the Bay of St. Lawrence the last two years, the bay fishing does not pay the expenses. The last years I had vessels there, in 1873-'4, they did not pay for their outfits. The mackerel are poor, worth one-third less than shore mackerel, it is a bad place to use a seine, a long time is required for a trip, and to pursue the bay fishery, and that alone, would fail any firm in Gloucester. It is entirely and practically useless to us as a fishery.

Not less than fifty different witnesses whom the Government of the United States produced before the Halifax Commission have testified in the same strain in reference to the value of those fishing rights.

I might here refer to the statement of the Committee on Foreign Relations of the Senate, after taking the testimony two years ago in Gloucester, Provincetown, and Portland, Me., they came back to the Senate and by a written report, drawn by the chairman of the Judiciary Committee, declared emphatically that those waters were not good fishing grounds. Perhaps I might as well read some portion of that report:

From the investigations made by the committee during the last summer and fall, and as the result of the great mass of testimony taken by it and herewith returned, the committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, etc.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fisherman would ever think of going there for the purpose of catching cod or halibut.

In view of all these facts, well known to the great body of the citizens of the United States engaged in fisheries and embracing every variety of interest connected therewith, from the wholesale dealer, vessel-owner, and outfitter, to that portion of the crew who receive the smallest share of the venture, it must be considered as conclusively established that there would be no material value whatever in the grant by the British Government to American fishermen of absolutely free fishing; and in this conclusion it will be seen, by a reference to the testimony, that all these interests fully concur.

I might cite the testimony of witnesses who were examined by a subcommittee of the Committee on Foreign Relations two years ago, and show from that testimony that, without almost a single exception, the general opinion was that the bay fishing, which is now esteemed by the opposers of this treaty as being valuable, is of no practical advantage whatever.

With this proof that the waters from which this treaty excludes American fishermen is entirely valueless for fishing purposes—waters into which England has contended we had no right to enter by our own agreement in 1818—how can Senators declare that this treaty surrenders any right or privilege of the least practical value to us, how can they justify a rejection of the treaty which secures valuable commercial privileges to our fishermen and guarantees the future peace of the country upon a pretense so fallacious, not to say so criminally indifferent to the interest of the country?

But, Mr. President, this treaty is not to be passed upon in this Senate upon its value to the country or the fishermen of New England. It is to be made an issue in the Presidential election. It is hoped that prejudices may be aroused against England and the Canadians in the minds of a class of voters that can be made to tell against President Cleveland and the party of which he is the candidate. It was feared that the settlement of a long-standing controversy which Republican administrations had failed to adjust might commend the President and his administration still more strongly to the favor and confidence of the country, and partisan interests are supposed to require the rejection of any treaty which he might conclude with Great Britain on the subject. Long before this treaty was negotiated, and even before the negotiators had entered upon the consideration of the questions involved, the President was assailed for consenting to attempt an honorable settlement by diplomacy. The public press was made the vehicle of assault, not only on the foreign plenipotentiaries, but also on the Secretary of State, in order to poison the public mind and prevent a fair consideration of the conclusions reached.

The President could have made no settlement of the question which would have met the approval of a majority of the other side of this Chamber. A few of the more conservative Republican Senators might have been willing, if party exigencies would have permitted it, to agree to a settlement of the dispute, but the more active and daring party

leaders, who saw in the success of the Republican party a greater boon than in the commercial prosperity and peace of the country, would have agreed to no settlement that would have deprived them of the opportunity of appealing to the prejudices entertained by a class of voters against England. It is votes they want, not a settlement of the controversy, however honorable or beneficial. Had a Republican administration negotiated this treaty every Republican Senator would have approved of it; and because it has been sent here by a Democratic President, they have determined in party caucus to vote against its ratification.

The consideration of the treaty in open session was a mandate of a party caucus in order that their appeal to the prejudices of voters against England might have its full force and produce the effect desired. To accomplish a partisan purpose the rules of this body requiring the consideration of treaties to be with closed doors, which have been in force from the beginning of the Government, have been suspended by caucus arrangement, not because the interest of the Government would be promoted thereby, but because it was supposed that party interests could be enhanced by a public tirade against a Democratic Administration for negotiating the treaty.

To what base uses we may return, Horatio.

The Senate of the United States made by the Constitution a part of the treaty-making power of the Government, under the mandate of a party caucus abdicates the high functions assigned it by the Constitution, and debases and degrades its executive powers into a political machine to further supposed party interests. Bear with me, my Republican friends, while I tell you in plain language that your action in reference to this treaty whether judged from the motives which prompt it, the circumstances surrounding it, or the consequences likely to result from it, is wholly indefensible, and merits, and should receive, the condemnation of your countrymen.

For party purposes alone this treaty is to be rejected and the country remitted back to the long-standing contention which has been the source of so much disquietude and apprehension in the past, and may prove a more serious impediment to the friendly relations which it is our interest to preserve with England and our neighbors on the north.

When you reject this treaty which proposes an honorable and friendly adjustment of the questions of which it treats, what do you propose? Can you hope to secure any better settlement by negotiation? You do not want any negotiation, and the report of the Committee on Foreign Relations which you will adopt in the passage of the resolution before the Senate virtually so declares, and impliedly at least censures the President for attempting a settlement of the dispute by negotiation. It is not likely that the President will proceed further by diplomacy, or that he could obtain better terms in any future effort in that direction.

What then will you do? There is but one other mode of peaceable settlement, and that is by arbitration. We have had some experience in the settlement of fishery questions in that mode, and I apprehend no member on the other side of this Chamber would vote for a resolution authorizing the President to submit the matter in controversy to arbitration. In such a settlement the respective rights of the two governments would have to be determined by the construction placed by the arbitrators on the treaty of 1818. Neither the laws of nations nor the laws of humanity could be invoked in our behalf, but the plain language and intent of that unfortunate treaty would govern the decision to be made.

One of the questions submitted under that treaty would be the headland question. Does any one suppose that that question would be determined more favorably to us by arbitration than it is by this treaty? For one I have no hesitation in saying that no rational expectation could be entertained of such a result. Neither in my judgment would more liberal commercial privileges be accorded to our fishing vessels by arbitrators than are secured to them in the treaty before the Senate, without securing to Canada a full equivalent therefor in some form.

If England should make the proposition to submit the questions agreed upon in this treaty to arbitration, and the respective rights of the two Governments to be determined by the true intent and meaning of the treaty of 1818, I doubt whether there is a single member of the Senate on the other side of this Chamber that would be willing to accept the offer. Then, when this treaty is rejected, as it will be, for partisan considerations alone, what will be the result? The contention will remain unsettled, England and the provinces will maintain the position they have occupied in reference to our fishermen, and the same complaints will be heard against the enforcement of these statutes relating to foreign fishing vessels.

The remedy proposed by the other side of this Chamber is retaliation. The President has been authorized, in his discretion, to resort to that measure, and perhaps a power of that character could not have been conferred upon any one less likely to abuse it. Still it is a dangerous power to rest in the discretion of any man. Nothing less than the investiture of the President with the power to adopt measures that may suspend commercial intercourse not only with Canada and the provinces but with England herself. Retaliation in any form is an unfriendly act, and when adopted may lead to consequences not anticipated. It

is well calculated to provoke resentment in those against whom it is directed, and they will be at liberty to oppose it with such measures as they may deem necessary. Is it likely that any act of retaliation on our part would not be met by some measure equally prejudicial and offensive to us? Where would these hostile and unfriendly measures stop? Would they not be likely to lead to serious interruption of our commercial relations not only with Canada but also with England, which would sooner or later be involved in any commercial war with her North American possessions?

Suppose the President in the exercise of his discretion should issue a proclamation prohibiting the introduction of Canadian fish into this country, as is desired by the New England fishermen and Senators representing their interests, what would be the result? The first effect would be to diminish largely the supply of fish food to the people of the country. This would be a serious matter to a large class of persons who from limited means are compelled to buy fish instead of meats. There are hundreds and thousands of poor people in the land who are compelled to live on the cheapest food they can buy, and to limit the supply of fish in our markets would be a serious calamity to them. The second effect of such a measure would be to put up the price of fish and increase largely the profits of the fish trusts and speculators at the expense of those who use fish as a necessity or a luxury. This is the result that is desired by many of those who want this treaty rejected and retaliation adopted. The fact is, that underlying this whole controversy is the effort of the fish syndicates and trusts of New England to obtain the prohibition of Canadian fish into this country, so that they may have a monopoly of the market and increase their profits on their business. If these should prove to be the only effects of retaliatory measures they would be too serious to justify retaliation if redress can be had in any other manner.

But suppose retaliation should result in the suspension of commercial relations generally with Canada, a result not improbable if the first step is taken, would we not be greatly the loser by such interruption of commercial relations? Our exports to Canada are largely in excess of our imports from that country, and we need markets for our products of every kind. But are we sure that a resort to retaliatory measures would stop with the prohibition of the importation of Canadian fish or the suspension of commercial relations with that country? Might it not disturb our commercial relations with England and affect seriously our markets for agricultural products in that quarter? England can not fail to become involved in any quarrel with Canada, and however much she might and doubtless would regret any disturbance of her present relations with this country she is so related to her North American provinces that their quarrels must become her own. I will not pursue this thought further, but leave it for the reflection of those so anxious to see the President resort to retaliation instead of negotiation for the settlement of this dispute.

But the President would not be justified in resorting to retaliation, notwithstanding you have conferred upon him in his discretion authority to do so. The President has sent here a message with the treaty laid before the Senate, in which he declares that in his belief—

It supplies a satisfactory, practical, and final adjustment upon a basis honorable and just to both parties of the difficult and vexed questions to which it relates.

With that conviction resting on his mind, how can he consistently resort to measures of an unfriendly character when England is willing to settle the difficulties and offers to do so in a manner which he says is honorable and just to both parties?

Sir, I do not hesitate to say that in my opinion it would be an abuse of the discretion reposed in the President if he were now to adopt any measure of retaliation with the offer of England open for acceptance to settle the questions embraced in the treaty in a manner honorable and just to this country.

What would be the judgment of the nations of the earth if the President, acting upon his own discretion, not under the compulsion of legislative requirement, should assume a hostile position toward England and her North American possessions with that declaration of his message upon the records of the country and known to the world? Congress can, if it desires, enact a law that it will be the duty of the President to execute; but the law which was passed at the last session simply invested the President with discretionary authority to resort to retaliatory measures, but the exercise of the authority conferred rests in his own discretion; and while he believes that England is ready to accede to all our just demands, he can not properly seek to enforce our rights by unfriendly and hostile acts of his own motion. Let Congress, if it desires to try belligerent measures, assume the responsibility and enact a law the responsibility for the execution of which will rest upon Congress and not in the discretion of the President. Senators, if you want a suspension of commercial relations with Canada and England or war of any other kind, say so, but do not hide behind executive discretion and try to evade the responsibility for the consequences that may ensue.

And now, Mr. President, let me say that in my opinion whenever a resort is had to retaliation, either by the President, acting upon his own discretion under the authority already given him, or under the unconditional requirement of law hereafter to be enacted, we will enter upon

a commercial warfare as disastrous to us as we can make it to the Dominion Government or England herself. Any people having a proper regard to their honor and the respect of the world, will not submit to unfriendly acts of retaliation for alleged injuries which they deny without meeting retaliatory measures with acts equally as unfriendly and hostile. We have as great interests at stake as Canada or England, and any interruption of friendly commercial relations would tell as seriously upon this country as upon them. Let us not flatter ourselves that the whip is altogether in our own hands. They can do as well without our markets as we can do without theirs, and shall we rashly put in jeopardy our agricultural and other interests by a resort to a policy which may lead to consequences so disastrous? Our commerce with the Dominion, already considerable, is steadily increasing.

We export annually to the British possessions in North America products to the value of from \$40,000,000 to \$50,000,000, and import therefrom goods to the value of from \$30,000,000 to \$40,000,000. This trade with Canada is greater than with any South American state, and larger than with most European countries. Our trade with England is greater than with all Europe; beside, she furnishes the principal market for our surplus products, especially agricultural products. We furnish 60 per cent. of her breadstuffs; and but for the demand which she makes for our flour, wheat, corn, and meats, we should have no market for our surplus grain and other products, and farming lands would not be worth half their present value. We can not afford at the dictation of a few persons engaged in fishing in northern waters to put in jeopardy the great commercial and agricultural interests of the American people, even if the peace of the country should not be disturbed.

The other side of this Chamber justify their opposition to this treaty upon the pretense that it would prove injurious to the fishermen of New England. Such an assumption is unwarranted by the provisions of the treaty, which if ratified would prove of great value to them. It furnishes, however, another illustration of the readiness of the Republican party to sacrifice the public good in order to advance the interests of individuals and classes of men. Through every period of that party's history private interests have been fostered at the expense of the great body of the people of the country. It gave away a large portion of valuable public lands to corporations and associations of capitalists, and thereby prevented thousands of honest men from procuring from the Government cheap homes for themselves and their families. Its financial policy and legislation, when in the absolute control of the Government, was in the interest of monopolies and capitalists, and oppressive to the poorer classes of the community—enriching the few at the expense of the many.

It has maintained a system of excessive and burdensome taxation, imposed to meet the exigencies of the civil war, for more than twenty years after its termination, and which is yielding a large surplus beyond the necessities of the Government, solely for the purpose of protecting the manufacturing interests of the country and enabling them to extort hundreds of millions of dollars in excess of fair profits from the people of the country who are compelled to buy and consume their products. And now, when the Treasury is overflowing with a constantly increasing surplus of money needed in the business of the country, and which must eventually, unless arrested, result in financial embarrassment and disaster to individuals and general depression and paralysis to the business world, they are resisting a modification of the tariff taxation which is producing that result from a desire and purpose to render the great mass of the people tributary to the few. The opposition to this treaty on the other side of the Chamber, on the unwarranted allegation that it is detrimental to local and individual interests, furnishes further proof that the Republican party is ready and willing to sacrifice the public welfare, and even the peace of the country, in order to promote the interests of a very small portion of the people of Maine and Massachusetts engaged in a laudable but private enterprise.

I appreciate as highly as gentlemen on the other side of this Chamber the character and services of the American fishermen, and would be as far from inflicting injury upon them. The men who put their money in the business are perhaps not better paid on their investments than those engaged in other occupations. Many of them, perhaps all, are worthy citizens, but they are not generally the men who brave the dangers of the deep and go out in vessels and dories to take the fish from the water. Many of the latter, who are relied upon to recruit our Navy in time of war by Senators who urge the rejection of this treaty, are not American citizens, but natives of the provinces, and who, in case of war between this country and England, would in all probability enlist in her navy and not in ours. I listened the other day to the eulogy of the Senator from Massachusetts [Mr. HOAR] upon the prowess and bravery of the American fishermen in the wars of the past, and have no disposition to deny the value of their services, both in peace and war, but I apprehend that the past history of this country will reveal the fact that the glory of the American Navy has not been wholly due to New England fishermen; nor do I believe that the future greatness or safety of the Republic will depend entirely upon the valor or statesmanship of that section of the country. If Massachusetts would remit or greatly abate her taxation upon the vessel property of her fishermen, and her Senators would unite in an effort to

modify the tariff upon the materials that enter into the construction of their fishing vessels, the owners of such vessels would realize greater profits from their investments, and be able to pay higher wages to the men who man them.

It has been intimated in debate that this side of the Chamber and the Democratic party support this treaty and are willing to surrender American rights through timidity and fear of strife with England. I shall not deny, Mr. President, that the Democracy of the country believe that its prosperity and the happiness of the American people will best be promoted by maintaining an honorable peace with all the nations of the earth, and would regret the necessity which would compel a resort to acts of hostility to maintain its honor or defend its rights. But I deny most emphatically that any Senator on this side of the Chamber or any member of the Democratic party, either in public or private life, is willing to surrender the rights or is indifferent to the honor of his country from any cause whatever, or that this treaty makes any such surrender or abandons any just right.

The insinuation that it is supported by any one from fear of England or any other power is unjust and untrue, and can neither impeach the patriotism of those who favor the treaty nor prove the bravery or courage of the men who oppose it. If the time should ever come when the rights of this country could only be maintained by the arbitrament of the sword, the men of all parties and all sections of this country would vie with each other in eagerness for the fray. I pity, sir, the ignorance and despise the dishonesty that can attribute to any portion of the American people a willingness to surrender the just rights of their Government through fear of any power on earth. Such an argument is unworthy of the Senate, and proves the want of valid objection to the treaty itself.

Mr. President, I sincerely regret that a great public question affecting our foreign relations should have been made the subject of political discussion. It ought to be considered solely with reference to the honor and welfare of the country and not with reference to party interests. But the other side of this Chamber has deliberately and premeditatedly and by caucus arrangement made this treaty the occasion for partisan assault upon the Administration and the Democratic party. They have denounced the President for attempting to settle by diplomacy an irritating question in dispute between this country and England, and assailed with vulgar abuse the Secretary of State for the part he was compelled by his position to take in the negotiation. No more unjustifiable assault was ever made upon a high public official than has been made upon Mr. Bayard by his political enemies in this Chamber and in the Republican press of the country. He has been denounced as willing to surrender the honor and interests of his country or too weak and pusillanimous to maintain them.

Sir, if a sense of justice to a high official who has given the best years of his life to the public service was insufficient to restrain the unmerited vituperation which party malignity had heaped upon him in this debate, a decent respect for the truth should have done so.

No man that has ever filled the office of Secretary of State has more earnestly labored to promote the interests and maintain the honor of his country in its relations with foreign countries, and but few that have occupied the position have manifested equal fidelity and ability in the discharge of the duties which it imposes. It may be that his success in securing an honorable adjustment in the pending treaty of a long-standing controversy which his Republican predecessors in office were unable to secure may, in part at least, inspire the assaults upon his character and the treaty which he has negotiated.

The PRESIDING OFFICER (Mr. BERRY in the chair.) If there be no objection, the Senate will proceed to the consideration of legislative business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The motion was agreed to.

Mr. ALLISON. I yield for routine business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments;

A bill (H. R. 4239) for the relief of P. H. Winston;

A bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 7643) to establish a United States land court, and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado;

A bill (H. R. 8674) for the relief of Sterling H. Tucker and others;

A bill (H. R. 8846) for the relief of Daniel W. Perkins;

A bill (H. R. 10041) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters;

A bill (H. R. 10240) for the relief of J. Edwin Pilcher; and

A bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present resolutions adopted by the conference of woolen manufacturers, wool-growers, and wool-dealers, held at Washington, D. C., January 14, 1888, favoring the protection by tariff of the production and manufacture of wool. I move that the resolutions be printed in document form and referred to the Committee on Finance.

The motion was agreed to.

Mr. SABIN presented a petition of citizens of Goodhue County, Minnesota, praying for the passage of certain amendments of the interstate commerce law; which was referred to the Committee on Interstate-Commerce.

Mr. MITCHELL presented a petition of salmon-packers and other citizens of Portland, Oregon, praying for the repayment in full of duties paid on imported tin when made into cans and exported containing American products; which was referred to the Committee on Finance.

Mr. PLUMB presented the petition of Norman Wiard, of Washington, D. C., praying for the adoption of the armament projected by him and proposed for the coast-defense forts of the United States by the American Standard Ordnance Company of New York; which was referred to the Committee on Coast Defenses, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating \$30,000, reported it without amendment.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 5494) for the relief of John T. Robeson, asked that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions, reported it without amendment, and submitted a report thereon.

REPOSITORY FOR HISTORICAL MANUSCRIPTS.

Mr. EVARTS. I present, from the Committee on the Library, a report relating to the expediency of establishing a repository for the custody of historical papers and documents presented to or acquired by the Government. I have offered, by direction of that committee, an amendment to the sundry civil appropriation bill, and this report which is presented by the committee has the advantage of Mr. Spofford's very accurate and careful statement, and I ask that it may be printed in the RECORD, and also printed in document form.

The PRESIDING OFFICER. The Senator from New York asks that the report to which he refers be printed in the RECORD and be printed in document form. If there is no objection that order will be made.

The report is as follows:

Report as to the expediency of a repository or department of historical manuscripts in the Congressional Library.

The collection and preservation of historical records should be an object of national concern. In every country there are many scattered collections of manuscripts valuable to historical inquirers, but comparatively inaccessible because they are either in private hands or in the archives of societies local in character and not widely known. In some European nations public attention has long since been drawn to the importance of enlarging the national collections of state papers and government archives by the addition of manuscripts in private hands.

Thus, in the archives of the French Government, and in the National Library at Paris, are preserved a great mass of personal memoirs, journals, records, military and civil, and private letters of inestimable value as materials for history. In Great Britain, so powerful has been the interest in this subject during the present generation, that a royal commission on historical manuscripts, created in 1869, has made extensive though not exhaustive researches among the numerous private repositories of papers in that country, until there have been published as the results of their labor twelve folio volumes of reports, filled with detailed descriptions of the manuscript treasures existing throughout Great Britain. At the same time, the British parliament has for many years past expended large sums for the special purchase of manuscripts, besides the regular annual grant of \$50,000 (£10,000) for printed books, and \$12,000 (£2,400) for manuscripts devoted to the increase of that great national collection, the library of the British Museum. This is exclusive of large sums devoted to the publication of historical manuscripts, calendars of state papers, etc.

In the United States, while much zeal and energy have long been manifested by private individuals and historical societies in the collection of manuscripts and autographs, little has yet been done by the General Government in this direction. The purchase by Congress, through successive appropriations, of the papers of Washington, Madison, Jefferson, Monroe, Franklin, and Rochambeau represents all the notable acquisitions of manuscripts by our Government, although these are of inestimable value. The historical library of Peter Force, of Washington, however, purchased by Congress in 1867, brought with it a large assemblage of historical and military papers, journals, orderly books, letters, etc., of the period of the Revolution and later, which are chronologically arranged, and present much material of great interest to historical inquirers. That this extensive collection of books, manuscripts, maps, and newspapers was saved through a wise and timely purchase by the Government from being dispersed in the possession of numerous scattered collectors is matter of congratulation with all who appreciate the importance of enriching our national stores of material for historical research.

It becomes constantly more apparent that a wise and careful expenditure in the same direction is an aim worthy of the National Government. There is abundant evidence that much valuable material in American history has perished beyond recall into the hands of private owners, through the ravages of fire, of damp, of insects, and other destructive agencies, while much more has been lost or mutilated through the ignorance or want of appreciation of the possessors. There is of late years, with the growth of the historical spirit in our country, an active competition for autographs and manuscripts on the part of individuals, societies, and public libraries. And Great Britain has become an interested gatherer of American books, maps, and manuscripts, so that there is risk of valuable original material being taken out of the country through the neglect of our own Government to secure it a place in the national archives by timely action.

Already photographs and manuscripts of the Revolutionary period are sought for by British collectors. There are in the United States many private collections of manuscripts, like those of Mr. George Bancroft, unique in historical value, which should be made the permanent possession of the Government. Where are the papers, public and private, left by the Presidents of the United States since the time of Monroe? The manuscripts and letters of a multitude of other public officers, of the national or State governments, are scattered among their posterity for the most part or in the possession of private owners. Many of these collections represent invaluable material for political and personal history, which are in constant danger of perishing or of depletion. When once scattered these manuscript records of the past are rarely or never reunited.

In view of the erection now in progress of a commodious and fire-proof national library building, the Joint Committee on the Library deem it a proper time to recommend that a systematic effort should be made to collect and to preserve all manuscript papers which may be offered to the Government, and to make provision for the purchase of manuscripts deemed of special value. Upon the opening of the new Library, a special curator or custodian, of the requisite qualifications, should be selected to have charge of the department of manuscripts, and they should be made available to public use, under suitable regulations for their protection.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 3389) to erect a public building at Yonkers, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

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

WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

Ordered, That Esther G. Nally have leave to withdraw the papers in her case from the files of the Senate.

WHEAT-GROWING DISTRICTS OF OREGON AND WASHINGTON.

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

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate a recent report upon the wheat-growing districts of Oregon and Washington Territory, prepared by Second Lieut. Frank Green, Signal Corps, under the direction of the Chief Signal Officer of the Army.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments;

A bill (H. R. 4239) for the relief of P. H. Winston;

A bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 8674) for the relief of Sterling H. Tucker and others;

A bill (H. R. 8846) for the relief of Daniel W. Perkins;

A bill (H. R. 10041) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters;

A bill (H. R. 10240) for the relief of J. Edwin Pilcher; and

A bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin.

The bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado was read twice by its title, and referred to the Committee on Private Land Claims.

INDIAN MARRIAGES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 928) in relation to marriage between white men and Indian women.

The first amendment of the House of Representatives was, in section 1, line 4, after the word "who," to strike out the words "has married or;" so as to make the section read:

That no white man, not otherwise a member of any tribe of Indians, who hereafter marry an Indian woman, member of any Indian tribe in the United States or any of its Territories, except the five civilized tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

The next amendment of the House of Representatives was, in section 2, line 2, after the word "who," to strike out the words "has been, or;" so as to make the section read:

Sec. 2. That every Indian woman, member of any such tribe of Indians, who

may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

Mr. DAWES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9910) increasing the pension of William J. Heady.

The message also announced that the House had passed the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. WHEELER, and Mr. PAYSON managers at the conference on its part.

PEREZ DICKINSON.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

Mr. FAULKNER. I move that the Senate non-concur in the amendments of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. FAULKNER, Mr. HOAR, and Mr. SPOONER were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the amendments of the Committee on Appropriations may be considered as the bill is read.

The PRESIDING OFFICER (Mr. BERRY in the chair). If there be no objection, that course will be pursued. The Secretary will read the bill.

The reading of the bill was proceeded with. The first amendment reported from the Committee on Appropriations was, under the head of "under the Treasury Department," in the appropriations for "public buildings," on page 2, after line 12, to insert:

For court-house and post-office at Bay City, Mich.: For purchase of site and commencement of building, \$100,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert;

For post-office at Bridgeport, Conn.: For purchase of site and completion of building, \$150,000.

The amendment was agreed to.

The next amendment was, on page 3, line 4, before the word "complete," to insert "and breakwater;" and after "complete," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For marine hospital at Chicago, Ill.: For approaches and breakwater complete, \$15,000.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "thousand," to strike out "twenty" and insert "twenty-eight;" so as to make the clause read:

For repairs of post-office and custom-house building, Chicago, Ill., \$28,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

For court-house and post-office, Des Moines, Iowa: To defray the expenses of paying alley adjoining court-house and post-office at Des Moines, Iowa, \$514.42.

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the word "limit," to strike out "one hundred and forty" and insert "two hundred;" and in line 15, after the word "dollars," to insert:

Provided, That said building may be located not less than 16 feet from any other building.

So as to make the clause read:

For court-house and post-office at Denver, Colo.: For continuation of building under present limit, \$200,000: *Provided*, That said building may be located not less than 16 feet from any other building.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after the words "site

and," to strike out "commencement" and insert "completion;" and in line 19, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Greenville, S. C.: For purchase of site and completion of building, \$100,000.

The amendment was agreed to.

The next amendment was, on page 5, line 1, after the words "site and," to strike out "commencement" and insert "completion;" and after the word "building," at the end of the line, to strike out "thirty-seven thousand five hundred" and insert "seventy-five thousand;" so as to make the clause read:

For court-house and post-office at Helena, Ark.: For purchase of site and completion of building, \$75,000.

The amendment was agreed to.

The next amendment was, on page 5, line 4, after the words "site and," to strike out "commencement" and insert "completion;" and in the same line, after the word "building," to strike out "thirty" and insert "sixty;" so as to make the clause read:

For post-office at Hoboken, N. J.: For purchase of site and completion of building, \$60,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert:

For post-office and custom-house at Jacksonville, Fla.: For completion of building under present limit, \$90,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 11, to insert:

For post-office at Lincoln, Nebr.: For paving, curbing, grading, and setting stone steps about the post-office site and public grounds, and repairing the fountain and walks on said grounds at Lincoln, Nebr., \$10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the words "alterations, and," to strike out "so forth" and insert "other necessary work;" so as to make the clause read:

For the United States Mint at Philadelphia, Pa.: For an additional story to, and enlarging the building, including vault, alterations, and other necessary work, \$220,000.

The amendment was agreed to.

The next amendment was, on page 6, line 24, after the words "site and," to strike out "commencement" and insert "completion;" and in the same line, after the word "building," to strike out "thirty" and insert "sixty;" so as to make the clause read:

For post-office at Portsmouth, Ohio: For purchase of site and completion of building, \$60,000.

The amendment was agreed to.

The next amendment was, after line 25, at the bottom of page 6, to insert:

For custom-house at Portland, Oregon: For the purpose of reimbursing the city of Portland, Oregon, for money advanced out of its general fund in payment of street improvements assessed to the United States on the custom-house block in that city, between March 1, 1859, and January 1, 1888, \$1,271.82.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

For marine hospital at Portland, Me.: For furnishing water supply, \$2,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

For custom-house at St. Louis, Mo.: To defray the expense of paving streets in front of the custom-house at St. Louis, Mo., \$4,056.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "for," to strike out "continuation" and insert "completion;" and in line 2, before the word "thousand," to strike out "seventy-five" and insert "one hundred and fifty;" so as to make the clause read:

For court-house and post-office at Savannah, Ga.: For completion of building under present limit, \$150,000.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the words "site and," to strike out "commencement" and insert "completion;" and in line 19, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Springfield, Mo.: For purchase of site and completion of building, \$100,000.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after the words "site and," to strike out "commencement" and insert "completion;" and in line 25, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Texarkana, Ark.: For purchase of site and completion of building, \$100,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to insert:

For court-house and post-office, Utica, N. Y.: To defray the expense of paving the streets in front of the court-house and post-office at Utica, N. Y., \$3,435.60.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "building," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Vicksburg, Miss.: For purchase of site and commencement of building, \$100,000.

Mr. ALLISON. I move to strike out the word "commencement" in that clause and insert "completion."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 9, after line 14, to insert:

For custom-house at Wheeling, W. Va.: For necessary repairs of building, \$27,500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 21, on page 9, to the end of line 2, on page 10, as follows:

That the Secretary of the Treasury may authorize contracts to be made for the whole or any portion of any of the foregoing public buildings and the post-office and custom-house at Jacksonville, Fla., and the court-house and post-office at Chattanooga, Tenn., within the limit of cost fixed by law as to each of said public buildings.

Mr. BECK. I was about to ask the chairman to make a statement here, but I can do it myself in a minute. That clause was stricken out because in all cases where public buildings are to be erected for \$100,000 or less, instead of putting in a part of the appropriation, we inserted the whole amount needed for completion, believing that the most economical way to erect a building of that magnitude is to give the money all at once. Then all the contracts can be made and the whole work done. Therefore we have so amended the bill; and while this increases the apparent amount appropriated by the bill, in my opinion it will conduce to an economy of at least 10 or perhaps 15 per cent. in the buildings to be erected.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, after the words "Winder Building," at the end of line 4, to insert "including employment of plumbers, carpenters, and painters, and materials for their use;" in line 6, after the word "use," to strike out "one thousand" and insert "eight thousand two hundred and sixty-five;" in line 7, after the word "dollars," to insert "for repairing, filling, and painting the east front of the Treasury building, \$10,000;" in line 10, after the word "rooms," to strike out "two thousand four" and insert "one thousand five;" in line 11, after the word "dollars," to strike out "repairs to roadway west of building, \$300;" and in line 16, after the word "all," to strike out "eight thousand five hundred and seventy" and insert "twenty-four thousand six hundred and thirty-five;" so as to make the clause read:

For Treasury building at Washington, D. C.: For repairs to Treasury building and Winder Building, including employment of plumbers, carpenters, and painters, and materials for their use, \$3,265; for repairing, filling, and painting the east front of the Treasury building, \$10,000; resetting and repairing loose tile flooring, \$800; for flooring rooms, \$1,500; lead calking for joints in the approaches on the north, south, and west, \$350; reslating southwest pavilion roof, \$1,920; painting remainder of roof, \$1,800; in all, \$24,635.

The amendment was agreed to.

The next amendment was, in the appropriations for "Light-houses, beacons, and fog-signals," on page 11, after line 7, to insert:

Crooked River light-station, Florida: For the erection of a light-house on the highland (mainland) to the westward of Crooked River, in Franklin County, Florida, \$40,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

St. Joseph's Point light-station, Florida: For establishing a light-house at or near St. Joseph's Point, Florida, \$25,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

Crabtree Ledge light-station, Maine: For additional amount for completion of a light-house on Crabtree's Ledge (so-called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Maine, \$13,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

Lubec Narrows light-station, Maine: For additional amount for completion of a light-house at or near Lubec Narrows, Maine, \$12,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

Deer Island light-house and fog-signal, Massachusetts: For additional amount for completion of a light-house and fog-signal at or near Deer Island, Boston Harbor, Massachusetts, \$6,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

Stonington Harbor, Connecticut: For the establishment of a light and fog-signal on the breakwater at the entrance to Stonington Harbor, Connecticut, \$8,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Statue of Liberty, Bedloe's Island, New York: For completing the pedestal and the approaches to the Statue of Liberty, Bedloe's Island, New York Harbor, \$50,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 15, to insert:

Cob Point Bar light-station, Maryland: For establishing a light-house at or near Cob Point Bar, Wicomico River, Maryland, \$15,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

Holland's Island Bar light-station, Maryland: For establishing a light-house

at Holland's Island Bar, near the entrance to Kedge's Straits, Chesapeake Bay, Maryland, \$35,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

Bush's Bluff Shoal light-station, Virginia: For establishing a first-class light-ship with steam fog-signal in duplicate, on or near Bush's Bluff Shoal, entrance to Elizabeth River, Virginia, \$40,000; and in addition thereto the unexpended balance of the appropriation of \$20,000 heretofore made for establishing a light-house at that point is hereby made available and may be used for the establishment of a light-ship herein provided for.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

Tangier Sound light-station, Virginia: For the establishment of a light-house and fog-signal to mark the lower entrance to Tangier Sound, Chesapeake Bay, \$25,000.

The amendment was agreed to.

Mr. ALLISON. After line 8, on page 13, I move to insert:

Great Wicomico River light-station, Virginia: For the establishment of a light-house at the mouth of the Great Wicomico River, Chesapeake Bay, Virginia, \$25,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, line 9, after the word "for," to strike out "beginning the construction of" and insert "establishing;" and in line 11, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Newport News light, Virginia: For establishing a light-house at Newport News Middle Ground, Virginia, \$50,000.

The amendment was agreed to.

The next amendment was, on page 13, line 14, before the word "thousand," to strike out "ten" and insert "thirty;" so as to read:

Oil-houses for light-stations: For establishing isolated houses at light-stations for the storage of mineral oil, \$30,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

Cedar River Point light-station, Michigan: For the establishment of a light-house at or near Cedar River Point, at the mouth of Cedar River, Green Bay, Michigan, \$25,000.

The amendment was agreed to.

The reading of the bill was continued to line 9 on page 14.

The PRESIDENT *pro tempore*. Should not the spelling of the word "sight," in line 7, be changed?

Mr. ALLISON. I think so. It should be "site."

The PRESIDENT *pro tempore*. The change will be made, if there be no objection. The Chair is informed that the first word in line 8 should also be changed from "Absecon" to "Absecom." That can be verified hereafter, however.

Mr. BECK. It is spelled that way in the report.

Mr. ALLISON. I find that "Absecon" is the spelling in the Book of Estimates. So I suppose it is correct.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 14, after line 12, to insert:

Point Loma light-station, California: For establishing the light station at Point Loma, California, in a situation lower down the cliff, \$30,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 15, to insert:

Ballast Point light-station, California: For establishing a light or lights and a fog-signal on or near Ballast Point, entrance to San Diego Bay, California, \$25,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to insert:

Umpqua River light-station, Oregon: For the purchase of a site and the construction of a first-order coast light-house on the headlands, near the mouth of the Umpqua River, Oregon, \$80,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

Wharf at Astoria, Oregon: For the purchase of a site and the construction of a suitable wharf at Astoria, Oregon, for the use of the Light-House Establishment and of vessels belonging to the United States, \$15,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

Pier-lights: For the construction of pier-lights at Duluth, Lake Superior, Minn.; Keweenaw, Lake Michigan, Wis.; Charlotte harbor, Lake Ontario, New York; and Port Washington, Lake Michigan, Wis., \$25,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to insert:

Steam-tender for eleventh light-house district: For the construction of a new steam-tender for the eleventh light-house district, \$85,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 10, to insert:

Supply-steamer for the Atlantic and Gulf coasts: For an additional amount for the construction of a steamer for the transportation of oil and other supplies to the light-houses on the Atlantic and Gulf coasts, \$32,500.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and read as follows:

LIFE-SAVING SERVICE.

For salaries of superintendents for the life-saving stations, as follows:

Mr. REAGAN. I see that provision is made here for salaries for nine superintendents for the life-saving stations at \$1,500 apiece, and for five superintendents for life-saving and life-boat stations at \$1,800

apiece, the aggregate amount being \$20,800. I desire to inquire what reason there existed for appointing these superintendents? I see also that provision is made in lines 3 to 6, on page 17, "for salaries of 231 keepers of life-saving and life-boat stations and of houses of refuge, \$154,760," making 249 additional employes of the Government. I desire to ask what was the evidence before the committee of the necessity of these employes?

Mr. ALLISON. These appropriations are for the entire Life-Saving Service on our seacoast and on the lakes, and the appropriations are made in pursuance of statutes passed by Congress on the subject. These appropriations are for exactly the salaries fixed by law for these officers and employes.

Mr. REAGAN. I see, beginning at line 7, on page 17, "for pay of crews of surfmen," etc., and then the life-saving crews, life saving stations, and life-boat stations must be provided for elsewhere. I am not raising any question as to making a necessary appropriation for the crews of surfmen at life-saving stations and at life-boat stations, but I do not see what necessity there is for a superintendent and a keeper at every life-saving station. There is the crew with its apparatus for the duties it has to perform; and what can be the necessity for a superintendent of that crew? Why is not the leading man superintendent enough, and why can not the men take care of their own station? Why is there to be a keeper and a superintendent?

Mr. ALLISON. Of course these questions are very pertinent. The Committee on Appropriations felt bound to make these appropriations as they have been provided for by law from time to time, and I have no doubt that all the appropriations are necessary.

Mr. SHERMAN. I can explain the matter to the Senator from Texas. Not only is this one of the most interesting, but it is one of the most useful branches of the service of the Government. The superintendents provided for here are superintendents of large sections of country, and they are very valuable officers, skilled and experienced in that line of business. A superintendent may have under him twenty, thirty, forty, or fifty life-saving stations. The keepers are at the stations. Only one man is kept at a station, and the crew generally are around near by. They could not afford to devote their whole time to this business for the compensation allowed, but they are employed upon an alarm being given, signals by light, etc. A keeper has charge of each station. A superintendent has charge of a large district. The bill itself shows that there is one superintendent for the coast of Maine and New Hampshire. That coast I suppose covers at least a thousand miles.

Mr. FRYE. Three thousand miles.

Mr. SHERMAN. How many life-saving stations are there on that coast?

Mr. REAGAN. There are nine of them.

Mr. SHERMAN. There are more than that.

Mr. REAGAN. There are nine superintendents.

Mr. SHERMAN. There are nine superintendents, but how many stations are there on the coast of Maine? Are there fifty?

Mr. FRYE. I do not know how many; there are a good many. It takes the superintendent all of his time.

Mr. SHERMAN. The superintendent goes from place to place and keeps up the drill and discipline. The salary is \$1,500. It occupies the entire time and attention of the superintendent. The keeper has charge of the property of the life-saving station. He stays always in his place. He lives there, generally a kind of a hermit life on a lonely shore, while the men around, mostly fishermen, are within call. When he gives the alarm they rush to the station and then they save life and property. The statistics of this service are among the most interesting in the operations of the Government. The enormous saving of life and property is measured by millions.

Mr. REAGAN. I know that the Life-Saving Service is a very interesting and important feature, and it ought to be encouraged; but we have undoubtedly gone into a great deal of extravagance in connection with it. Take the case of New Jersey, and I believe it is pretty much the same all the way up the New England coast. It seems that there is a life-saving station wherever there is an available piece of ground. There must be thirty or forty on the coast of New Jersey.

Mr. SHERMAN. Every 5 or 6 miles there ought to be one along that coast. At night there are patrolmen who go along the whole coast. A patrolman goes along the beach for 5 or 6 miles. That region has to be traversed every night by patrolmen. If the Senator would just go and visit one of those places and see the character of service done, especially if he should happen to be there during a storm, he would be satisfied as to the value of the service and the amount of labor performed.

I visited several of these places officially at one time, and I found the amount of labor performed for very small pay to be enormous. The pay has been considerably increased since the time I had any control over the matter; but at that time it was insignificant for a very severe and arduous service. Many a weary night in the midst of a storm these patrolmen traverse the whole coast. They do it on foot, carrying a lantern, if it is a dark night, or by moonlight, exposing themselves to rain and storm.

Mr. REAGAN. I suppose the Committee on Appropriations, as there

is a law in existence for these officers, felt it to be their duty to make the necessary appropriations for their support, and perhaps it was necessary, yet I was afraid that this was the creation, as we are doing in nearly all the departments of the service, of additional and unnecessary officers, and that on account of the very peril which it is the object of the life-saving service to relieve against there has grown up a sentimental extravagance that is unreasonable. I know this to be the case from having investigated the subject from year to year, and it ought in some way or other to be arrested. Whatever is necessary, whatever is proper should be done; but for us from a mere sentiment of humanity, without the necessity of a practical exertion of power, to be involving the Government in the expenditures we have done on this subject is going too far.

Mr. ALLISON. This is almost the exact appropriation of last year. There is certainly no increase over the service of last year.

Mr. SHERMAN. It is fixed by law.

Mr. ALLISON. Every one of these superintendents is provided for by law.

Mr. BECK. If the Senator will turn to the Revised Statutes, sections 4243, 4244, 4245, 4246, and so on, he will find provision made for all of them.

Mr. REAGAN. For the stations?

Mr. BECK. For superintendents and keepers and crews of surf-boats.

I can only add that from time to time we have had to investigate this matter, and if there is any branch of the public service that is carried on economically and carried on energetically, earning its money and every dollar of it, it is the Life-Saving Service. I went along the coast of North Carolina two or three years ago, going from Hatteras up and down nearly a hundred miles, and I have struggled from that time until now to have the surfmen and the life-boat and station keepers and superintendents provided for the way they ought to be, by having at each alternate station, 6 miles apart, a pair of strong mules kept for the purpose of carrying the surf-boats from point to point instead of making the men drag them the way they do now. But somehow we are so economical that we have not yet got up to that point. All along the stations on the New Jersey coast, and the North Carolina coast, and the New England coast, there ought at each alternate station to be kept at least one pair of mules to help those men drag the heavy surf-boats for miles. They would save dozens, perhaps hundreds of lives by that additional facility.

Instead of being extravagant in this service we have absolutely not gone to the point that common humanity requires us to go, for fear that somebody would say that we were giving too much.

Mr. SHERMAN. I wish to say in connection with this service that it has been so wisely and economically and carefully managed that one man, Mr. Kimball, now probably fifty or sixty years of age, has always had charge of it from the beginning to this hour; and through every administration, in all the mutations of party life and the changes which have been made, he has been kept as a model officer. I do not believe that any administration would be courageous enough to remove him for any cause. Besides, there is no party politics in it in the slightest degree, nor could there be any, because the men employed are all laboring men, receiving the smallest kind of compensation from the Government for the service rendered.

I always like to bear testimony to the value and character of this service, because it was organized during my service in Congress. Mr. Cox, of New York, was one of the first to introduce the subject. It was begun by private charity on the coast of New Jersey, and afterwards taken up by Mr. Cox, a member of Congress. He organized the system to some extent and has taken a great deal of interest in it. He takes great pride in it. I have also always from the beginning of the service to this time been very proud of the gradual growth and purity and excellence of the life-saving system.

Mr. REAGAN. I should not like to have it understood that I did not appreciate the importance of the Life-Saving Service. I should not like to have it understood that I was not willing to appropriate all the money necessary to give efficiency to that service. But I do desire to repeat my protest against the expenditure of money on mere sentimental ideas. Of course Senators have their opinions and their convictions and they express them. I have mine and I express mine, and I express them, not at random, but because it has been my duty to investigate this subject from year to year.

You may take the charts that have places upon them where these life-saving stations are, and it seems as if there is hardly room for any more, and that they are placed without reference to utility. It is so convenient for us to billet our friends upon the public wherever there is a chance to create an office that it seems to me some protest should be made against it.

The Senator from Ohio suggested that there was no politics in the Life-Saving Service. I recognize that, and I think any one who studies the action of Congress will recognize that there is hardly any politics in extravagance of appropriations. There seems to be no party but what tries to go ahead of all others in the extravagance of its appropriations.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was continued to line 5, on page 18.

Mr. ALLISON. I call the attention of the Senator from Texas to the fact that the appropriations this year are \$20,000 less than they were last year for the Life-Saving Service.

Mr. REAGAN. On the question of economy I desire to call attention to lines 12, 13, and 14, on page 16:

For one superintendent for the life-saving and life-boat stations on the coast of the Gulf of Mexico, \$1,500.

That is a line of coast of about 1,500 miles, I believe, of dangerous coast. If superintendents are necessary, no one superintendent can discharge the duties on that length of coast and on that dangerous coast from the Rio Grande around by the mouth of the Mississippi to the capes of Florida.

Mr. ALLISON. Have another superintendent, then.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for the "revenue-cutter service," on page 18, line 21, to increase the amount of the total appropriation "for expenses of revenue-cutter service" from \$915,000 to \$950,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to insert:

Construction of revenue steamer for southern coast: For additional amount for construction of one revenue steamer for duty on the southern coast of the United States, \$55,000.

Mr. ALLISON. I move to amend the amendment by striking out "\$55,000" and inserting in lieu thereof "\$36,500." Sixty thousand dollars was appropriated for this vessel last year, but the Department can not build a suitable vessel for less than the \$60,000 and the amount which I propose to add.

Mr. REAGAN. The estimate for that vessel is ninety-odd thousand dollars.

Mr. ALLISON. Ninety-six thousand five hundred dollars, \$60,000 of which was appropriated last year. This is for the southern coast.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. In lines 24 and 25 of page 18, after "United States," it is proposed to strike out "fifty-five thousand" and insert "thirty-six thousand five hundred;" so as to make the clause read:

Construction of revenue steamer for southern coast: For additional amount for construction of one revenue steamer for duty on the southern coast of the United States, \$36,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "engraving and printing," on page 19, line 17, after the words "wages of," to strike out "not more than two hundred and twelve;" in line 20, after the words "wages of," to strike out "not more than two hundred;" in line 22, after the words "wages of," to strike out "not more than thirty-eight;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, and for wages of printers' assistants at steam-presses, at \$1.50 a day each, when employed, and for royalty for use of steam plate-printing machines, \$398,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 20, line 2, at the end of the clause appropriating \$398,000 for "wages of plate-printers," etc., to strike out the following proviso:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

Mr. BLAIR. Mr. President, the amendment of the Committee on Appropriations raises the question which is involved in the controversy between the hand-press and the steam-press printing of the Government notes. Earlier in the session I introduced a resolution, which set forth at considerable length the views of those who are interested in hand-work and against the machine-work employed in this business, which was referred to the Committee on Finance, and upon that resolution, which was of considerable length and went into the subject with much particularity, there has as yet been no report from the Committee on Finance. I am not aware that there has been any investigation; certainly there has not been a full investigation. On reflection I know there has been either a partial investigation or representations have been made from the Superintendent of the Bureau of Engraving and Printing to that committee; but in reply to his suggestions there has been no opportunity of hearing, as I am informed by the parties interested.

It is charged, and with certainly a great degree of proof in support of the charge, that the currency of the country is exceedingly depreciated since the employment of the steam-presses in the performance of the work, as compared with what it was in the earlier days when the work was done by hand-roller presses and by the hand engravers, so that the forging or counterfeiting of the paper money of the country

is now comparatively very easy, and it is carried on, in consequence of this deterioration of the character of the work, to a much greater extent than formerly. New counterfeits are being put forth with greater and still greater rapidity. I have been informed (of course, not having the knowledge myself, but only as it is given to me, I think reliably, and I have observed it, too, in the public press) that since the reference of that resolution to the Committee on Finance several very dangerous counterfeits have appeared, and since the superintendent of the bureau justified the nature of the work which he is doing with his steam-presses to the committee there have been several, and notably a one-dollar counterfeit, which is very difficult to detect, or rather a counterfeit which it is very easy to make by reason of the general imperfection of the work, and not easy to detect. It is not necessary to do very nice work in the way of forgery or counterfeiting to have it pass as the work of the Bureau of Engraving and Printing.

This subject has been investigated by the House of Representatives, and a report, as I am informed, of the proper committee of the House, of which General WHEELER is the chairman, has been made, in which he maintains these charges as to the imperfect and exceedingly dangerous nature of the work which is done at the Bureau of Engraving and Printing, and attributes its faulty character to the employment of the steam-machine, that is, a patent machine, which is made use of there.

Mr. VOORHEES. With the permission of the Senator from New Hampshire, who kindly yields for that purpose, I offer an amendment, and ask that it be printed and lie on the table.

The PRESIDENT *pro tempore*. It will be printed and lie on the table.

Mr. VOORHEES. Let it be read.

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

The Chief Clerk read as follows:

That the superintendent of the Life-Saving Service be, and he is hereby, authorized to employ horses and mules for the transportation of life-saving surf-boats at such points as he may determine them to be necessary; and for the purpose of enabling him to do so the sum of \$20,000 is hereby appropriated.

Mr. VOORHEES. It is noted there that it is to be inserted after line 5, on page 18. It can be printed and offered to-morrow.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and ordered to be printed.

Mr. BLAIR. As I was saying, I understand that the investigation by the House committee has resulted in a unanimous report against the further use of this sort of machinery in the printing of the Government currency; and the bill before us comes from the House with provisions which seem to indicate that there may be something in this assertion. The proviso at the end of this paragraph is:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

That is the language as it comes to us from the House, and earlier in the paragraph our committee have struck out the words, in line 17, "not more than two hundred and twelve;" also in the twentieth line the words "not more than two hundred," and in the twenty-second and twenty-third lines the words "not more than thirty-eight;" all which provisions, before the amendments suggested by our own committee and as the bill came from the House, were limitations upon the power of the superintendent to employ any larger number of "plate printers" or "printers' assistants" or "printers' assistants at steam-presses." The amendments reported by the committee, and which have been adopted already by the Senate, strike out those limitations, so that at present the paragraph gives the superintendent unlimited authority to employ those who would be engaged in hand-work or work on the hand-roller presses, a sort of employment which did good work for the Government formerly. Our committee have perfected this paragraph in the direction in which I think it ought to be perfected so as to leave the bureau, if it is to continue to be a bureau and to do the work of the Government, with unlimited power, except as limited by the amount of the appropriation, to have the work done in the old way. So there can be no obstruction interposed by the paragraph as the committee make it as to the efficiency of the bureau and the amount of work that it can perform.

Now comes this proviso, which the House puts upon the paragraph:

That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

I desire to have that proviso retained, so that while it is still an unsettled question of fact, if it be an unsettled question of fact, whether the steam-press is deteriorating the work and robbing the country by the allowance of counterfeit notes and opening a way, nobody knows to what amount of difficulty in the transaction of our business and what loss to the country there may be in this direction, no more steam-presses shall be added to this bureau.

I say that until it be determined by our own committee or the action of the Senate or some positive action of the other House, whether this process of deterioration is going on, there should be no increase of the number of machines thus employed. That is the proviso. If the proviso is retained, the amendments which the committee have made in the previous part of the paragraph having been adopted, there will

be no increase of the steam manufacture by the Government until we know what we are about.

I am myself, without being an expert by any means, pretty thoroughly satisfied that the assertions of those who are interested in the hand-labor machines are not wholly of a selfish character. I believe they had performed better work, that the work in the earlier days was greatly superior to that which is now being palmed off upon the Government and the country, and there is no substantial, if there be on the whole any, saving of expense in the employment of these machines. That is the allegation of these people, and it is supported to a considerable extent by what I believe to be disinterested evidence.

I will in this connection send to the desk and have read an editorial, which I cut from the Weekly Mail and Express, of New York City. It is an editorial, and it came to me in the usual and regular course of my reception of the paper, and so far as I know is an entirely truthful and not an interested editorial on the subject. I will ask the Secretary to read it.

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

The Chief Clerk read as follows:

[Weekly Mail and Express, July 25, 1888.]

ABOLISH THE BUREAU OF ENGRAVING AND PRINTING.

Before the session closes Congress ought to do something effectual for stopping the now altogether too flourishing business of counterfeiting national-bank notes. The first and most effectual step toward the achievement of this most desirable object would be the abolition of the now wretchedly-managed Bureau of Engraving and Printing, which has become a scandal to the Government. When the engraving of the national-bank notes was given to private parties, such as the American Bank Note Company, the work was so excellent that successful counterfeits were out of the question. The finest artistic talent in the country was employed, and in their general appearance and perfection of details the national-bank notes were beyond the reach of successful imitation by any skill that counterfeiters can engage.

In those times the national-bank notes were accepted without special scrutiny. It did not require expert skill or careful examination to tell the difference between the genuine and the counterfeit notes. The genuine were as perfect works of art as were ever produced in their line. The counterfeiters were comparatively few and were readily detected.

Why not return at once to the system that worked so admirably and that gave to the people a currency so perfect in its execution?

Mr. BLAIR. That is not the accusation of the Knights of Labor; that is not the accusation of any labor organization. It does not come from those who raise the question that exists between hand-labor and machinery, but it is from as reputable a public journal as circulates in this country in its editorial columns. I suppose that the representations of the Knights of Labor may be received with some suspicion on the part of some people, from the alleged fact that the hand labor is more expensive and more profitable to those employed, and, of course, more expensive to the Government; but this is controverted. It is intimated that there is that sort of arrangement between those who may be in the employment of the Government and those who are in control of these patented presses which in some way results in as great an expenditure in the actual printing of the notes under this system as under that of the hand-roller press.

I ask the Secretary to read a letter which is addressed by the Knights of Labor through their attorney to Hon. JOSEPH WHEELER, chairman of the committee in the House of Representatives.

The Chief Clerk read as follows:

Letter to the chairman of the Committee on Expenditures in the Treasury Department of the House of Representatives, relative to comparative cost and excellence of steam and hand press plate printing.

WASHINGTON, D. C., May 26, 1888.

SIR: In response to your request I beg leave to submit the following summary of reasons why plate-printing done on steam presses is inferior to the production of the hand press:

1. Steam-press work is inferior to hand-press work:

 1. The steam press wipes out the fine lines entirely, and injures the fuller lines proportionately, and this destroys the whole effect of the engraving.
 2. It hardens the paper on side opposite to that on which it prints, and such hardening prevents even and effective dampening of paper to receive the subsequent hand-press impression.
 3. The steam-press impression is more available for counterfeiting by photographic methods than the hand-press impression, for the light and shadows in it are lost sight of.
 4. The wastage by imperfect sheets printed by the steam-press is vastly greater than by the hand-press, and this is a great, absolute loss, and, in addition, is an evidence of the low degree of excellence in even the steam-press work accepted.
 5. The introduction of the steam press has led to the adoption of a lower standard for the work accepted. Mr. Sullivan (present assistant chief) directed acceptance of work done by steam-press that a child on the street would not object to; and the former superintendent of the bureau, Mr. Burrill, reported to Secretary Folger the existence of a lower standard of excellence as to steam-press work as compared with hand-press work.
 6. The steam-press prints comparatively damp or dry sheets with the same degree of speed, and in this respect can not exercise the discrimination constantly observed by the hand-press printer.
 7. It has not yet been demonstrated that steam-press work is cheaper than hand-press work. Mr. Graves's recent letter to Congress ignores the following sources of expense in connection with steam-press work:
 - a. The royalty paid for privilege of using a press—\$500 for each press.
 - b. The amount paid to master machinist in charge of steam press (Mr. Harley) and amount paid for rebuilding a new press were neither included under head of repairs.
 - c. The greater wastage in steam press over hand press on account of imperfect sheets thrown out.

To this might be added a fourth most important point: d. Mr. Graves, in estimating comparative performance of two presses, has placed it at 4 to 1. This ignores the fact that all the slow and difficult work is

done by the hand press and relatively swift work by the steam press, instead of estimating the performance of the two in doing the same class of work. This error in estimation is believed sufficient to reduce the proportion from 4 $\frac{1}{2}$ to a possible 3 to 1 and reduce saving to nothing.

8. Mr. Graves's last report to Congress and letter in Book of Estimates show that he estimates the capacity of the two kinds of presses as 5 to 1, and upon this basis anticipates a saving of (about) \$149,000 per year from use of three steam presses. His last letter diminishes this estimated capacity to 4 $\frac{1}{2}$ and decreases anticipated saving by about \$30,000. The other ignored points would about extinguish the remainder of the \$149,000.

9. An element of fraud has entered into former measurements of comparative performances of the two kinds of presses. Mr. Little was specially instructed by Mr. Milligan, a former press-room superintendent under the present assistant chief of the bureau, to so execute steam work as to secure results more favorable to it than are secured in the course of ordinary work.

If Mr. Graves is called before your committee, I should be glad to be notified to be present.

I have the honor to be, very respectfully, yours,

J. H. RALSTON,

Attorney for the Executive Board, Knights of Labor.

1326 F street, northwest.

Hon. JOSEPH WHEELER,

Chairman Committee on Expenditures in the Treasury Department, House of Representatives.

Mr. BLAIR. The committee of the Knights of Labor interested in this matter have called upon me several times in regard to it, and said that they had had no opportunity of being heard before our Committee on Finance since the lengthy statement, which is a document of considerable length—I have it here at hand somewhere—made by Mr. Graves, and they controvert the great part of what he states in the miscellaneous document containing his statement, which is forty-seven pages in length. They said they desired to be heard, but for some reason, either from lack of insistence or failure to understand the ways of getting around this Capitol, they had not been heard, and there has been no action by the committee. They have given me this paper, which they say they will be glad to substantiate by evidence, and I introduce it because it becomes pertinent by this amendment, because as the bill comes from the House it is designed to keep us from getting any deeper in this matter until we find out where we are, but which, if stricken out, will leave the superintendent in his animus at liberty to purchase and employ steam-presses to any extent he sees fit. They say:

HOW THE GOVERNMENT GET THE PRESSES.

First. The cost for privilege of construction is \$500.

Second. The cost of patterns for the different presses is \$400 for each size, and it is stipulated in agreement said patterns must be returned to owners when press is constructed.

Third. Twelve hundred and fifty dollars is paid for the construction of each press by the Government.

Fourth. A royalty of \$1 is paid on every 1,000 impressions printed on these presses while in use.

Fifth. An employé of the bureau made all the improvement that is on said presses, and claimed he was forced to surrender his drawings and plans to the patentees.

They have dwelt upon this with great explicitness, that the real use of these presses, so far as the Government is concerned, has been accomplished by an employé of the Government, and thus these outside patentees are enabled, by means of the money of the Government itself paid to its own employé who has operated these presses, to obtain an advantage over the Government to the extent of the revenue they get from these presses, and we are invited to permit this process to go on indefinitely and without investigation.

Sixth. Mr. Graves, in his testimony before Banking and Currency Committee, stated, "Among other things I have increased Mr. Harley's pay recently, simply on account of his services." (Page 84, stenographer's report.)

Seventh. The work done on these presses is inferior, and a lower standard has been adopted in the examination of steam-press work. (See Little's testimony, Banking and Currency Committee, and page 17, Miscellaneous Document 131, Senate.)

Mr. Graves has failed to show any saving in steam-presses. In computing his alleged saving he ignored the following important items: First, cost of privilege of construction, \$500; second, repairs of presses; third, spoilage of work; fourth, cost of patterns; fifth, Harley's salary.

We can show that the labor alone on one press getting reconstructed amounted to near \$1,000.

The late Colonel Irish says—

I invite the attention of the Senate to this, for it is the judgment of Colonel Irish as to the relative merit of these two kinds of work. This is quoted from page 18 of Miscellaneous Document No. 131—

"The bureau is fully equipped with hand-roller presses and need not make further outlay in many years. It is obvious," he continued, "therefore, that to justify any of such presses (steam-presses), there must be a substantial saving to the Government in the cost of operating the power-presses as compared with the hand-presses. This would not be the case if very large sums should be paid for privileges and royalties to justify their use. The sums to be paid should be adjusted so as to make the cost of the work, including royalties and privileges, at least 50 per cent. cheaper than hand-presses."

We would also call your attention to the fact that no showing has been made in estimates or figures showing any greater saving than 18 per cent., and in this showing several items have not been considered that would even reduce this saving if such it be. (Ex. Doc. 1, part 4, Forty-ninth Congress, page 692.) Bids of Treasury Department, American Bank Note Company, and Franklyn Bank Note Company for printing of postage-stamps will show and carry out this statement above as to saving in cost between hand and steam.

The above report also contains the following language, on page 690, speaking of the cost of printing: "The two previous contracts expressly stipulated that the printing should be done on hand-roller presses, the use of steam-presses under the contract immediately preceding the same, which was silent as to the mode of printing, having resulted in extremely unsatisfactory work."

I have also matter which they stated that they would desire to submit. They present the case pointedly and briefly, and yet it seems long, be-

cause there are many points stated that they desired to submit to the Committee on Finance. I ask that this little pamphlet, which is one of eight pages, be printed in the RECORD without troubling the Senate to listen to my reading it.

The PRESIDENT *pro tempore*. The paper will be printed in the RECORD unless objection be made.

The paper is as follows:

Letter to the chairman of the Committee on Expenditures in the Treasury Department of the House of Representatives, in answer to a communication from Mr. E. O. Graves, Chief of the Bureau of Engraving and Printing, relative to comparative cost and excellence of steam and hand press plate-printing.

Hon. JOSEPH WHEELER,
Chairman of the Committee on Expenditures in the Treasury Department, House of Representatives:

SIR: I beg leave to submit the following reply to report sent by Mr. E. O. Graves to the Senate Committee on Finance on May 9, 1888, which report has recently, I understand, been laid before your committee.

Mr. Graves's report as to the expediency of discontinuing steam-press work for plate-printing is designed to cover the two questions as to relative excellence of work and economy as compared with hand printing. Upon the question of excellence of work permit me to call your attention to the following features of Mr. Graves's communication. About page 13 Mr. Graves says:

"As to the comparative merits of steam printing and hand printing, it may be said that, speaking in the widest sense, steam printing is not equal to hand printing."

He then attempts to qualify this statement by applying it only to the black faces of notes, bonds, and drafts, and intimating that the same rule does not hold good in what he is pleased to regard as a lower grade of work, such as backs, etc. That this supposed qualification is in itself baseless he shows on the following page, when, in referring to the matter, he says:

"If all of this work [greenbacks] could be done by hand by the most skillful and conscientious workmen, in the most careful manner, and under the most favorable conditions, there is no doubt that the printing by that process would best carry out the intention of the engraver," etc.

I submit that if Mr. Graves does not now have in his employment "the most skillful and conscientious workmen," who will do their work "in the most careful manner," or if he does not supply them with "the most favorable conditions," he owes a prompt and satisfactory explanation to Congress, and should not be allowed, without being held to the fullest accountability, to plead such wants in such a controversy as this. Should a private firm obtain a reputation for the finest work, and afterward, upon producing inferior work, strive to explain its deficiencies by suggesting "the actual conditions under which work must be done in a large establishment" (page 14), a reduction of business would soon attest the insufficiency of the excuse.

But the report under consideration shows that, however much Mr. Graves's conclusions may be affected by his love for the steam press, in his own heart he recognizes the correctness of the position taken by the Knights of Labor. About page 4, after referring to the present degradation of the work performed in his bureau upon the national-bank notes, contrasting the former beautiful plate-printing of the Landing of Columbus, in black, surrounded by a green border of handsome and intricate design, with the present common brown print, with surface printing of a number in the center, he says of the latter:

"It does not furnish the best security against counterfeiting, and is greatly inferior to the backs of the series of 1875, which it replaced. It would, in my opinion, be wise policy to restore the two plate printings of the old design."

We are content to accept Mr. Graves's statement upon this point, and to apply the same reasoning to the faces of the silver certificates, etc., which now receive a single plate printing, together with a surface printing of the seal. We believe it is true of these notes, as well as of the backs of the national-bank notes, that the present method of production "does not furnish the best security against counterfeiting." Mr. Graves shrinks from the conclusion of page 2 (?) of this report (possibly on account of supposed added expense), yet logically he must come to it.

On page 2 of the report Mr. Graves very truly says that "the chief purpose of the elaborate printing upon the public securities is to prevent counterfeiting," and on page 3, referring to the former backs of the national-bank notes, he says, "the two printings (plate printings) and the quality of the work furnish excellent protection against counterfeiting." He also explains why it is that plate printing is superior to surface printing. Yet in spite of these opinions, so frankly expressed, the fact is, that instead of the three plate printings which make the face of the earlier United States currency a thing of beauty and a defiance to the arts of the counterfeiter, we now have a single plate printing with one surface printing, while the national-bank note backs have fallen from two beautiful plate printings of intricate designs to one plate printing and one surface printing, and the backs of the silver certificates now receive a single green plate printing, executed not in such manner that the "quality of the work furnishes excellent protection against counterfeiting," but after such fashion that the champion of the steam presses confesses on page 11, they "lack something of the fullness of color of the very best hand printing."

I need scarcely remind your committee that, as I have heretofore explained, the want of "fullness of color" indicates that the finest lines have been utterly wiped out and extinguished, and the remaining ones have not received their full effect, and the whole has been rendered therefore more easy of reproduction, as having less decidedly the protective characteristics of plate-printing.

Before leaving the subject of comparative excellence of work, it may be worth while to refer to Mr. Graves's remarks on page 12 as to the 50-cigar stamps. He admits that they "do not come up to quite the same standard of excellence as the other securities printed by this press." The same fact has also been admitted, as we are prepared to show, by Mr. Morgan, chief of the press room. But Mr. Graves is not deterred from the use of the steam-press on these stamps for this reason, as he immediately finds that "from the way in which they are issued and used (they) are not exposed to the same risk of being counterfeited as notes or bonds."

Here is another plain intimation that superiority of workmanship is a protection, coupled with a more than doubtful statement of fact as to liability to counterfeiting. The records of the Secret Service show that numbers of counterfeit plates of revenue stamps are yearly taken and destroyed.

HOMER LEE PRESS.

In speaking of this press (page 4), the idea is conveyed that no plate-printer is needed for it. This is erroneous. A plate-printer is employed at \$5 per day.

Mr. Graves confesses the inferiority of the work done by this press, for he says "the impressions produced * * * have not the fullness and richness of color of the best hand-work." I have already commented upon the meaning of an expression similar to this. Again, Mr. Graves inferentially admits that the production of this press is not tested by the same rigid rule as is applied to hand-work, for he says (page 5):

"It is not at all material that the printing should conform to the arbitrary standard of hand-printing, so long as the essential element of security is not sacrificed."

Here is a distinct recognition of a different standard for the work of this press from that used for hand-work, and I have already alluded to the existence of such different standard as to the Homer Lee press, as shown by the report of ex-Chief Burrill.

To quote Mr. Burrill's exact words: "That this substitution [machine for hand polishing, etc.] has not accomplished successful results is demonstrated by the fact that the quality of work done upon it [the Lee press] in this bureau has not reached a standard sufficiently high to be measured by that which governs all other work." And he continues with much more to like effect.

THE MILLIGAN PRESS.

I need scarcely refer to the half-hearted commendations of this press quoted by Mr. Graves. I am not surprised to learn, knowing the conditions surrounding the test, that a Treasury committee reported that "certain classes of work might be satisfactorily printed on the press with more economy and more rapidly than by hand press," or that another committee found that several classes of printing "might be done on that press in a satisfactory manner and with considerable saving to the Government," or that non-practical chiefs, such as Mr. Irish and Mr. Graves, should be imposed upon in this matter. We have but to bear in mind the fact that in the competitions between the two presses special instructions have been quietly issued to the printers employed on the steam press to use methods not employed in the ordinary course of steam printing and calculated to produce exceptionally favorable results for that press.

Mr. Burrill is quoted as reporting to the Department that "the Milligan press is * * * a hand-printing press, so far as the application of intelligence to the polishing process is concerned, and its condition of work is and the standard of the passage of it and its examination are the same as for the hand presses."

While I do not wish to question the sincerity of Mr. Burrill in his belief as to the standard for examination of the work of this press, we are prepared to show again, as we have shown before, that the then and now assistant chief of the bureau directed acceptance of work done by steam press that a child on the street would not object to.

COMPARATIVE ECONOMY.

It is a difficult thing to learn from the reports of the bureau anything at all satisfactory concerning the relative cost of steam and hand printing. Mr. Graves says on page 13 of this report that "there is an average net saving to the Government of more than \$4 for each dollar of royalty paid." Let us see about this. Mr. Graves is much more modest than formerly. In making up the figures upon which he based a recent answer to a House resolution (see Ex. Doc. 210, Fiftieth Congress, first session) he estimated the cost per thousand impressions on the steam press at \$6.28; on the hand press, \$15.51; leaving a net gain by the use of the steam press of \$9.23, instead of \$4, for each dollar of royalty paid. Mr. Graves's figures somewhere lack the prime element of accuracy.

But there is reason to believe that his statement this time is, as before, wide of the mark. In Executive Document No. 224, Forty-seventh Congress, first session, we find that a committee, giving the matter more careful attention than Mr. Graves ever seems to have bestowed upon it, reported that the cost of printing 1,000 impressions by hand, in green ink, was \$11.26; 1,000 impressions by steam-press, \$6.61, exclusive of royalty. This would give a saving of \$2.55 for each dollar of royalty paid, or, including royalty, make steam-press work, with all its imperfections, only 15 per cent. cheaper than hand work.

I have heretofore alluded to the many errors involved in Mr. Graves's estimate submitted to Congress. Let me now add that they vitiate every figure contained in the report we are now considering.

Examining the figures he has presented *seriatim*, we find that he estimates that printing tints and seals, now done by surface printing for \$25,500, would cost by plate printing nearly ten times as much, or \$245,700. Let us charitably suppose that in presenting such a statement as this Mr. Graves was simply outrageously imposed upon. Besides a manifest exaggeration in his figures, Mr. Graves in compiling them has ignored the fact that after the passage of the bill before your committee a very large proportion of the work now done upon the surface-printing presses of the bureau would still remain to be executed in the same manner.

To replace the Homer Lee press by hand-presses he estimates would call for the employment of five additional plate printers and five assistants, and would increase the annual expense by \$5,124. Inasmuch as Mr. Graves's highest estimate has been that one press did the work of five printers, and as one printer with an assistant is already employed to take charge of this press, under no circumstances could more than four additional men and four assistants be called for. But Mr. Graves's estimate of additional cost is also further erroneous for the same reasons that his estimates of comparative expense of the two presses is erroneous.

Mr. Graves further states that to replace the steam-presses in the bureau would require the employment of at least seventy-three additional printers and thirty-eight additional printers' assistants, and add \$95,465 to the annual cost of maintaining the bureau.

Inasmuch as there are nineteen steam presses, with their pressmen, now at work in the bureau, he estimates these nineteen presses as performing as much work as nineteen and seventy-three men would do; in other words, that they are equivalent to ninety-two men, and therefore work in about the proportion of 5 to 1. In his recent report to Congress (Executive Document No. 210, Fiftieth Congress, first session) he estimated the production of one press as equal to four and three-sevenths men on hand-presses, and, as I have before shown your committee, to arrive at even this result he ignored most important elements. We see, therefore, that no reliance can be placed upon his estimate just referred to.

Certain minor points of the communication we are considering need but a passing glance. At the beginning of Mr. Graves's administration two hundred and twenty-five plate-printers found employment in the bureau. Now it contains but one hundred and eighty-seven. If we are told that this reduction is in consequence of the Congressional enactment restricting the number to one hundred and eighty-seven, we have to say that this restriction was made at Mr. Graves's request. Our special reason for referring to the reduced number is to answer, as far as the fact goes, the allegation that the bureau is not large enough to contain the printers necessary to do the work by hand. The Government already owns sufficient ground about the present bureau on which to place without inconvenience another building of the same size were the necessity for it to exist. But there should be no question of economy when the safety of the Government issues is the matter under consideration. Upon this point we can not do better than quote from the report of the Committee on Banking and Currency (H. R. No. 150, second session Forty-third Congress):

"All these circumstances have satisfied the committee that methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to being absolutely secure against error and fraud, even if such methods should be much more expensive than others having less guaranties of protection."

And again (page 20) with regard to internal-revenue stamps:

"While the individual citizen may have comparatively little interest in the stamps, the public revenues are heavily involved. These suffer, and the honest tax-payers are defrauded if counterfeit stamps are altered or there is an unauthorized and dishonest issue of genuine stamps. To prevent counterfeiting the highest attainable artistic and mechanical skill in the execution, together with the use of distinctive paper, is believed to be the most effectual means."

The views of the committee which signed the foregoing opinions were adopted by Congress, and the legislation at that time recommended by them was enacted into law.

It may be that, as contended by Mr. Graves, a smaller per cent. of silver certificates (printed on both steam and hand presses) have returned for redemption within a given time than was formerly the case with the United States legal-tenders. The explanation is twofold. First, the silver certificates were issued at a time when there was a great dearth of notes of the lower denominations. They met an immediate and pressing want for change, and were therefore not readily presented for redemption. Second, the silver certificates are printed upon paper of a much tougher fiber than that used for the legal-tenders, and they may therefore be expected to continue in circulation a longer time.

Neither of these reasons at all affects the question of hand and steam printing. Our contention is simply that the printing of the back by steam calenders the face and renders it less suitable to receive the subsequent face impression, and that thereby the face impression is deteriorated. Upon this point I again refer to my former communication to you.

The condition of the postage-stamps printed on a steam-press may be satisfactory to the Post-Office Department. It can hardly be to any one who cares for excellence in governmental work. We are prepared to exhibit to your committee sheets of stamps purchased without selection and displaying the most striking variations in color and shading in the different parts of the sheet, in one stamp the fine lines being wiped completely out and in its near neighbor the lines having been left so full of ink as to produce a "mashed" impression.

SHALL THE CHIEF AND ASSISTANT CHIEF BE ENGRAVERS AND PRINTERS?

I do not intend to reply to the allegations of alleged economy presented by Mr. Graves under this head. Inasmuch as they are not placed in comparison with results obtained by any man practically acquainted with the business, they are absolutely not pertinent to the question under discussion, and may be dismissed without further remark.

No chief of the bureau has ever given so conspicuous an illustration of the need of a practical man in his place as has Mr. Graves, nor has he ever exposed the need as completely as in the document we are now examining.

On page 16 he says:

"While there is no exact way of determining the exact degree of pressure applied to the paper by the impression-roller on either the hand or the steam presses, there is no reason to believe that it is greater on one press than on the other."

Any tyro in mechanics knows that the presses on either hand or steam press can be measured with the same precision that a barrel of flour can be weighed. No practical man would make the stupendous blunder of doubting this. In reply to this assertion of Mr. Graves, we offer, at any time opportunity is given us, to make complete tests of the relative and absolute pressure in the two presses.

If the non-practical chief of the bureau denies the ability to measure pressure, he may well be pardoned the further error of employing steam presses upon work for which only hand presses are sufficient.

(We take this occasion to again say that the superior pressure of the hand press can be testified to by scores of employes of the bureau, and that the unequal stretching of the paper as a result of it can be shown most convincingly by both steam and hand press printers, as well as by persons employed in examining the sheets after they have been printed upon, Mr. Graves's assertion to the contrary notwithstanding.)

Non-practical men have already cost the Government as chiefs of the bureau many thousands of dollars. The Government lost hundreds of thousands in experimenting with a hydraulic printing press, experiments directed by a non-practical chief. Hundreds of thousands more were wasted by another non-practical chief in an effort to size paper after printing. At the present time a third non-practical chief is spending about \$20,000 per annum as royalty for steam presses doing defective and inferior work.

It is interesting to quote Mr. Graves's opinion of a mechanic:

"A plate printer is a mechanic, apprenticed to the trade at an early age, without any requirement of education or special intelligence, and spending all his working hours in a narrow mechanical routine. He has little taste or opportunity for the requirement of general knowledge. It is impossible to conceive what qualification to manage a great and intricate bureau, in which perplexing questions of the administration, of legal construction, and of departmental practice are continually arising, and the chief officers of which must have frequent official intercourse with the high officers of the Government, would be furnished by men skilled in performing the purely mechanical operations of plate printing. Such a craftsman might, indeed, free himself from the trammels of his trade, and turn to other pursuits which would qualify him for other things, but just to the extent he should do so he would fall short of the 'practical' working required."

After reading this, one unconsciously calls to mind the fact that one Benjamin Franklin, brought up in a "narrow, mechanical routine," afterward became a successful manager of printing offices, and even held "intercourse with the high officials of the Government," and from time to time hobnobbed with kings; William Orton, a printer, also freed "himself from the trammels of his trade," and became president of the Western Union Telegraph Company. The Harper Brothers were also practical printers, and became business managers of possibly the model office of this country. Horace Greeley, a printer, distinguished himself as a practical newspaper manager, was received upon terms of equality by "high officials," and even ventured to become a candidate for the Presidency. A former carpenter was but recently regarded as a prominent candidate for the position of Chief-Justice of the United States, and has been known to entertain on equal terms men holding higher positions than that of Chief of the Bureau. Members of your honorable committee in their own persons attest the stupendous falsehood of the assumptions in which Mr. Graves indulged when he penned the paragraph above quoted.

But I need not multiply instances. There are to-day many members of learned professions who "pull" plate printing presses under the direction of this man, who considers them not suitable to have intercourse with high officials. We need not fear that among such men as these we can not find many capable of filling with honor to themselves and advantage to the Government the position of Chief of the Bureau.

Very respectfully, yours,

J. H. RALSTON,

Attorney for the Executive Board, Knights of Labor.

Now, Mr. President, so far as this amendment raises the question which of these two kinds of work be the better, I simply say that there is nothing to show that the steam-press work is superior. The question is raised whether it be not inferior. So far as I know, the balance of evidence is in that direction. There is no evidence to show that there is any substantial saving in the matter of cost; and in the controversy concerning so important a matter as the integrity of the currency of the United States, when the other House have found against this steam-press work, and have indicated their opinion in that direction, I think I am justified in asking that the committee recede from its amendment, and let the matter go until it can be still further investigated, and not increase the use of the steam-presses.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

Mr. HAWLEY. I am obliged to differ with the committee on this matter. I do not believe that the best work can yet be possibly done by machinery—the best work in plate printing. There are some things that can not be done by machinery. We see very respectable chromos, it is true, but nobody supposes that a first-class work of art, a painting, can be made by a machine. It requires the mind and the individual finger, hand, soul, and eye of the artist to do it.

It is true of this work that it can not be conducted in chromo style, and one evidence of that is that the bureau does not print the face of bills by machinery, it prints the back, as that is supposed to be of less importance. Upon it there is usually only one tint, the green, and a little darker or a little lighter shade here and there is not of so much consequence. They have not yet had the audacity and disregard of art to attempt to print by machinery such exquisite engravings as we still continue to have in the Treasury Department. We have issued the handsomest paper money in the world. There is nothing finer in the way of vignettes and portraits to be found, in my judgment, inart anywhere than can be found in our Federal money, and nobody has yet ventured to print by machine the admirably engraved faces of Martha Washington, and Hancock, and Hendricks, and Garfield that I hold in my hand. That is done by the delicate touch of the hand, which alone can perform the task perfectly, as I will explain in a few moments.

These finely cut plates of steel are inked over by a hand-roller, and then they are rubbed over with soft cloth or other material to take off the surplus ink. Where the cut of the plate is deeper, the ink is of course abundant, and much must be left there for a dark impression. Where the engraving is light and delicate less ink is required, but care must be taken not to wipe off too much. The final wiping is done by ball of the hand, and with practice the true plate-printer becomes exquisitely correct with eye and hand. No machine is a substitute for the eye, the hand, the skill and training of the plate-printer. He leaves just the right quantity of ink in the fine trenches of the plate and none at all where none is needed. His hand goes with an indescribable delicacy over the beautiful vignette. Then the plate is put under the hand-press, where the hand of the trained artisan follows it, and there comes out an impression wonderful in clearness, fineness, and precision.

Now a certain kind of beautiful work can be done by machinery. Take the back of one of these bills, and look at these extraordinary convolutions of fine lines found there. That is done by a machine, and the hand could not do that with such fearful accuracy. The geometric lathe does it.

But who would undertake to engrave with a machine the face of Madame Washington on the bill I hold in my hand? No two lines are exactly alike in strength or direction. Only the live hand can give those inimitable touches. But that plate must be printed by hand as well as engraved by hand to do it justice.

I think I am stating the simple truth, as every artisan of this field will tell you that you can not maintain the excellence of the work of the Government by this steam plate-printing. Even in so printing the back we find that the dampening and the stretching are irregular and the register is not perfect. You can often find that the printing of the two sides does not exactly coincide, and when the bills are cut you will find the width of margins varying, and in some cases even some of the impression cut off.

I would stand by the House provision and not enlarge the number of these steam-presses, because they do not do as good work, and in these peculiarly delicate things they never will, in my judgment. It is not safe to say that anything will not be done in this mechanical and inventive age, but the machine is not master here yet.

For an illustration see the type-setting business. Every publisher of books or newspapers has been these many, many years saying to inventors who claimed to have a perfect type-setting machine, "Prove it; come along with your type-setter; we are waiting for it." Every day a man comes along and says, "I have got it; I can do it—Eureka!" "Do it," says the publisher; and yet they have not fully done it yet. The publisher says, "Show that you can do it, and then you are rich, abundantly rich." They do part of it; but they can not do it all. All the so-called "reading matter" in the London Times for some years has been set up by machines, but in the variegated work of the advertisements the hand of the compositor is still necessary. In short, there is still room for individual character and skill; the machine is not everything.

This is not an ordinary case of objecting to a labor-saving machine because it might displace workmen. By no means. There is no mechanic, certainly no intelligent American mechanic, who does not know that he is every day in danger of competition with an invention in some kinds of work. It is almost inevitable.

While in this instance the plate-printers may have some prejudice against a machine because it reduces the number of employed artisans, I think that most decidedly they have the judgment of true artists on their side.

Mr. ALLISON. Mr. President, the Committee on Appropriations

found, upon examining this paragraph respecting appropriations for the Bureau of Engraving and Printing, two inconsistent provisions. One was that there should be a limited number of plate-printers required in the first place, and then that a certain number of these machines should be used—sixteen of them—the number now employed in the bureau. Of course the House, by the provision they inserted, indirectly, although not directly, provided that sixteen of these machines should be used. If these machines are what the Senator from Connecticut and the Senator from New Hampshire say they are, they ought to be taken out immediately. The committee had a delegation of the plate-printers before them and listened to their statements. They did say with great emphasis that the printing done by these steam-presses was not such printing as should be executed upon notes that are intended to circulate, and they wanted this proviso retained, I believe.

Mr. BLAIR. Yes.

Mr. ALLISON. On the other hand the Superintendent of this Bureau of Engraving and Printing wanted to buy more of the machines, and therefore he wanted us to cut down the number of plate-printers named in this paragraph.

The Committee on Appropriations not being practical printers, not being skilled in engraving, and not having the time to go into a careful and elaborate consideration of so important a matter as the question of the currency and how it should be printed and executed, believed that the wisest thing to do was to put this responsibility where it properly belonged, namely, with the Secretary of the Treasury. He is the responsible officer, having charge of the entire printing of the currency, and is it to be supposed for a moment that a Secretary of the Treasury, responsible for a thousand millions of paper money—because all our paper money is printed under his direction—will, when his attention is called to this question, allow for a single instant inferior work to be done there? Therefore we felt that it was an injustice for us by legislation to undertake to limit and prescribe and control a responsible Cabinet officer in the execution of a great trust which the law confides to him.

Hence we said, we will leave this matter so that the Secretary of the Treasury, if he chooses, can put into the street these sixteen presses which it is alleged do not do proper work, and employ, as the Senator from Connecticut says he should employ, just so many hand plate-printers as will be necessary for the execution of this work, if it should be executed. So the committee, after looking the field all over, feeling its incompetency to decide so important a question as this is in the way we were compelled to decide it, and in the way the Senate will be compelled to decide it if it decides it one way or the other, because it is not in the nature of things that each Senator can have the information that the Senator from Connecticut and the Senator from New Hampshire have on this subject—so the committee said, "We will strike this all out and leave the Secretary of the Treasury to execute the trust which the law confides to him in a respectable way for the benefit of those who use this money and pass it from hand to hand." That was the motive. So the Senator from Connecticut does not differ from the committee. The committee simply say that in a legislative way we can not run every bureau and every machine in this Government.

I had the support of the Senator from New Hampshire in the first amendment to this paragraph, because he says that the number of plate-printers should not be confined as the House confined it. Finding these two inconsistent provisions, one compelling the Bureau of Engraving and Printing to use these machines and the other simply saying that they shall buy no more of them, we struck out the proviso without expressing an opinion upon this question. If what is here said be true, the Secretary of the Treasury is the proper officer to turn these presses into the street and employ such instrumentalities as will secure good work in the Bureau of Engraving and Printing.

I think the Senator from Connecticut will admit that the Committee on Appropriations did wisely in not limiting the number of plate-printers. Now, if we shall not limit their number, why is it that we shall here in a legislative way direct the Secretary of the Treasury to use the presses he has and not buy any more? That is all there is about it.

But I think justice to the Chief of the Bureau of Engraving and Printing requires that I should send to the Secretary's desk his letter upon this subject and have it read.

The Secretary read as follows:

TREASURY DEPARTMENT, BUREAU OF ENGRAVING AND PRINTING,
July 9, 1888.

SIR: In reply to the inquiry made of me when I was last before your committee, I have the honor to state that six additional steam-power plate-printing presses of the Milligan pattern could be used to advantage in this bureau in the printing of the public securities. The introduction of this additional number of presses would cause an annual saving of upwards of \$23,000, and enable the bureau to accomplish its work in a smaller space and with a less number of operatives than if the additional work were to be done by hand. The last twelve presses of this pattern introduced into this bureau have proved entirely successful. "All of the backs of the new silver certificates of the denominations of \$1, \$2, \$5, and \$10 have for many months been printed upon these presses in a manner which, in the opinion of the experts of this bureau and of other experts in bank-note printing, is fully equal to the best hand work."

For evidence of the quality of the work it is only necessary to refer to the certificates themselves. In clearness, sharpness, and uniformity of impression, and all the qualities which tend to prevent successful counterfeiting, they are up to

the highest standard. The pressure applied to the paper by the steam-presses is no greater than that applied by the hand-press, and does not stretch or injure the paper in the least, as careful measurement and testing have repeatedly shown. The record of issues and redemptions shows that the durability of this issue of certificates is greater than that of any previous issue of notes. Although these machines are known as "steam-presses" they retain all the advantages of the hand-printing process. Only the purely mechanical work, which requires power without special intelligence or skill, is done by machinery. The ink, plates, and materials are the same as those used on the presses operated by hand, while the final polishing of the plate, which is the part of the work where intelligence and skill are brought into play, is done by hand precisely as on the hand presses. "The application of steam-power to plate-printing presses is in the line of the mechanical development which has long been taking place in every other branch of industry, and especially in typographic and lithographic printing.

"One or more steam-power plate-printing presses are in use in every large plate-printing establishment in the country, and if this bureau is to hold its own in competition with them it must resort to the labor-saving devices which they employ." It is hardly necessary that I should endeavor to refute the ancient fallacy which lies at the bottom of the opposition to these presses, that any device which lessens the amount of labor required to produce a given result is an injury to the laboring man. If no further steam-presses are introduced it will be necessary to increase the force of plate-printers from one hundred and eighty-seven to two hundred and twelve. This increase will be necessary in order to enable the bureau to grant to the plate-printers the leaves of absence allowed by law and to do the work within the regular hours. If the six presses are introduced the work can be done with one hundred and ninety plate-printers, an increase of three over the present number. The introduction of the presses would, therefore, not work to the disadvantage of the printers now employed, but would simply obviate the necessity of employing additional printers.

For fuller information concerning the work of the steam-presses, I have the honor to refer to a letter addressed by me to the Secretary of the Treasury May 9, 1888, printed in Senate Miscellaneous Document No. 131, Fiftieth Congress, first session.

Respectfully, yours,

E. O. GRAVES,
Chief of Bureau.

HON. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. HAWLEY. Mr. President, the letter is interesting and it gives me pleasure to comment on some of its observations. Mr. Graves says if we are going to compete with engravers outside in cheapness we have got to use the labor-saving devices that they use. Now, outside companies do a great deal of cheap work, commercial work, railroad bonds and things of that kind, that will answer perfectly well if done by machinery, but some of the largest customers in New York City put into their contracts with the American Bank-Note Company the condition that the company shall not use machines, but that the work shall be done in the good old way, the only true and artistic way, by hand.

You can not compete, of course, in the mere matter of cheapness, but in much ordinary commercial work the character of the work, whether it be a shade above or a shade below, is of minor consequence. The rough printing machine will answer, for the plates do not bear the exquisite lines and the fine artistic shading that we have always expected to find in our paper money.

Mr. ALLISON. They print all our revenue stamps in the bureau.

Mr. HAWLEY. They print all our revenue stamps. A little stamp is one thing. That might be done by machinery possibly. It is just slapped upon some article of merchandise and then immediately ruined.

Mr. Graves says that all the purely mechanical work in the operation is done by the machine, and there is an opportunity for the artistic hand to come in. I will tell you just how much of that is done.

The ink is run on by machinery, the plate is wiped automatically, and while the machine is still operating the swift hand of the skillful printer gets a hasty dab at the plate. If he gives just the requisite touch it is a happy accident. They can not avoid trying to get the hand finish. The plate-printer may long to get in just one more touch to perfect his plate, but it is gone. Some money is saved and some in-artistic work is done.

If you are going to make mere cheapness the requisite, why use engraved plates at all? Why not print the notes with a common printing press from electrotype plates? But we have found that the best protection against counterfeiting is in the best engraving and plate-printing done in the world. Only the best work gives that protection, and though it appears to be the more costly, it is cheapest in the end.

Mr. ALLISON. The statement so well made by the Senator from Connecticut was made more elaborately by the plate-printers before the committee, and I must say they convinced me of the general truth of the statement that it was impossible to make as perfect work for engraving by machinery as by hand; but that does not answer the question. The responsibility is with the Secretary of the Treasury, and it is not for us to run that Department by legislation, I submit to the Senator.

Mr. HAWLEY. I think it is sometimes necessary to legislate in regard to it.

Mr. BLAIR. Upon just that point I desire to say a word. This bureau, of course, was created by legislation, and every year there has been more or less of legislation relative to its efficiency and to the manner in which its duties have been performed. I do not recollect a Congress in which this subject—not this particular point, but what they are doing at the Bureau of Engraving and Printing, the way in which they do it—has not been the subject of discussion in one or both branches of Congress, and we have always had jurisdiction of it, notwithstanding the existence of the Secretary of the Treasury. I pre-

sume he has never undertaken to regulate his action save only as in accordance with the laws which have been made here on this subject, and it has so come to pass that under provisions of law they have introduced these machines.

I can not recall the special reference to past appropriation bills, but I see the chairman is here, and I see a gentleman near him whose good memory undoubtedly will correct me if I am wrong in stating that this very subject-matter has been heretofore discussed in Congress and perhaps before the Committee on Appropriations.

Mr. ALLISON. Discussed in this way, that last year for the first time we limited the number of plate-printers.

Mr. BLAIR. Very well. That was, in other words, a provision that more mechanics might be employed.

Mr. ALLISON. That the machines there should continue to be employed. That was the restriction last year.

Mr. BLAIR. It is a matter of no consequence to me what they did formerly. If the committee admit that Congress on their recommendation did take supervision of this machine business, whether they enlarged it, whether they lessened it, or what they did to it, they did not admit by their action heretofore, and their precedents are against this claim, that they will now come forward and throw the whole responsibility upon the Secretary of the Treasury. He is a busy man, as well as are members of Congress, and it may be that he will be unable to make, or at all events it would seem from the opinion of the chairman of the committee that he has been unable to make those necessary investigations, which have shown him that these machines are doing inferior work to the hand work, for, I take it, it will be granted by everybody that it is the quality of the work, almost utterly regardless of the expense, which we ought to legislate to secure, for there may be a single impression of a counterfeit that will cost the Government or the people of the country vastly more than the entire expense of running the bureau, even when it was all operated by hand machines and by hand work.

It is the quality of the work which we are to secure, and the question here is one as to the quality of the work, and the chairman of the committee concedes, from the best information he can get, that the quality of work which the machines do is inferior. It seems to me that ought to cover the whole case. We ought not to take this matter, which we have taken jurisdiction of in former Congresses, and turn it over to the Secretary of the Treasury. If he has had the jurisdiction, as undoubtedly he has of these things, he has failed in his duty, and it seems that Congress has failed in its duty also, for it is coming to be conceded that there is inferior work; and shall we permit it to go on and continue this failure? What assurance have we that the Secretary of the Treasury will do anything about this matter? It is no new subject. It has been bruited in the newspapers of Washington and in controversies between labor organizations and those owning these patents, and it has become a matter of personal abuse to those who feel it to be their duty to agitate the question on the floor of Congress. I have had the honor to find myself the object of a scurrilous attack in some of the papers simply because I offered that petition which went to the Committee on Finance early in the proceedings of this Congress, and which has never been acted upon at all.

I do not know anything about this subject; I am no expert; but they brought specimens of the work of these machines of comparatively a recent date, which the dullest eye could not fail to see were of vastly inferior workmanship even than the very earliest issues of the Government under the hand-press process.

Mr. President, since there is no issue in this, nothing in fact except the question whether during the investigation which is now going on in the Senate, and which has been carefully made by actual inspection, the whole committee spending a day, as I am told, in the Bureau of Engraving and Printing, the committee of the House, and looking into this whole matter by actual inspection and examining the machines themselves and carefully examining the machine work and the hand work—I say, after such an investigation as this, the only question is whether we shall increase the number of the machines. The House has undertaken to limit them, and it seems to me that we had better just let the House have their own way and limit the number of machines and not increase the evil.

Mr. BECK. I do not know that I have much to add to what the chairman of the committee has said, but the subcommittee of the Committee on Appropriations, of which I was a member, investigated this subject with all the care we could, and the conclusion we arrived at was that, if there was any faith to be placed in the statements of public officers, we had better not go into a controversy as far-reaching and as broad as this, for it may be on an unlimited scale on this particular item.

The chairman of the committee has made a report, Senate report 1814, and the statements made by all the gentlemen who opposed the machine work will be found on pages 51, 52, 53, 54, 55, and 56 of the report.

Hearing so much in regard to it and so many conflicting views, we called upon Mr. Graves, who is the Superintendent of the Bureau of Engraving and Printing, an old employé of this Government, who has been trusted for a long time and through several administrations, a

man upon whom the Secretary of the Treasury has a right to rely and upon whom the committee thought it had a right to rely, and he brought before us the work of the machines and the work done by hand, and he assured us that the opinion of the experts in his department agreed with his own, that the machine work was equal to the hand work, and so far as I, as a member of the committee, was able to distinguish, I could not tell, though I do not pretend to be an expert, which was the better of the two. But Mr. Graves tells us that—

All of the backs of the new silver certificates of the denominations of \$1, \$2, \$5, and \$10 have, for many months, been printed upon these presses in a manner which, in the opinion of the experts of this bureau and of other experts in bank-note printing, is fully equal to the best hand work.

He showed the work to the committee, and the head of the bureau backed by his experts averred that to be the fact. As one I can not see any difference between the two kinds of work, no matter what the Senator from Connecticut or other gentlemen who are greater experts than I am may be able to see. I thought he was the man that we ought to trust in regard to it, and therefore the committee struck out the limitation as to the number of men he might employ and the number of presses he might use, and gave him the money that was needed to do his work and all the work. Sometimes, at some seasons of the year, he needs a great many more than he does at other times. There is not uniformity, of course, in his needs from day to day.

I was very much impressed on hearing the statement made by the men who preferred the hand work and by the statement which Mr. Graves makes here. He says:

The application of steam-power to plate-printing presses is in the line of the mechanical development which has long been taking place in every other branch of industry, and especially in typographic and lithographic printing. One or more steam-power plate-printing presses are in use in every large plate-printing establishment in the country, and if this bureau is to hold its own in competition with them it must resort to the labor-saving devices which they employ.

When I heard the editorial read from the newspaper sent up by the Senator from New Hampshire [Mr. BLAIR] my mind ran back to the time when we had a controversy as to whether the Bureau of Engraving and Printing should be established at all, or whether the bank-note companies of New York should do such work for us, and they were bidding for it, and claimed that they could do it cheaper, and proof was gone into that other printing-press companies had received our work, and they had done it so cheaply that they had broken down the Government itself in doing its own work, and then they doubled and trebled and quadrupled their demands upon us until, after full discussion, we determined that it was better that the Government should control the printing of its own notes and its own securities and have its own work done by itself, and not be at the mercy of the bank-note companies in New York or Philadelphia or anywhere else, and the Bureau of Engraving and Printing has done the work ever since.

I have no doubt of the fact that the press of New York and the bank-note companies of New York would be glad to break us down again and get control of all our printing, and the editorial which has been read—no doubt an opinion honestly entertained—states that that is the better way. If, however, we are to continue to do this work for ourselves, we must do it in such a way as to show to the country that we are not wasting the money of the people, and therefore we must use the appliances that private establishments employ.

Mr. Graves, I believe, has no political object in this matter. I think he is a Republican. I know he is a good officer and has been kept in for a long time under former administrations as well as this, and I assume therefore that he is not giving us information with any political bias, though I am not sure about his politics. He says:

It is hardly necessary that I should endeavor to refute the ancient fallacy which lies at the bottom of the opposition to these presses, that any device which lessens the amount of labor required to produce a given result is an injury to the laboring man.

When the gentlemen representing the plate-printers were before the committee, the suggestion being made that the use of these presses would prevent the employment of as many men as were before employed, while getting twice the result with the same amount of money, I asked the question whether on the same principle we should not have to stop all the presses in the Government Printing Office, all the folding-machines that do the work so quickly and so well. We might as well destroy the reaper and the mower and the hay-rake, and go back to the sickle and the flail to get out our agricultural products, as to say we will ignore machinery simply because it is machinery. That will not be contended for by anybody, and I do not know that it is contended for here. When the chief of the bureau tells us that he is getting the work done, in his opinion and in the opinion of his experts, as well as it can be done by the hand-press, and is getting it for half the money, and when we are seeking to establish that we can do it as economically as the bank-note companies of New York, Philadelphia, or anywhere else, the committee thought it was wise to give him an opportunity to carry it on.

The chairman of the committee very well remarked that surely no Secretary of the Treasury with ordinary intelligence would allow notes that would be easily counterfeited to go out from under his jurisdiction of printing and taking care of affairs merely to save a little money. If this discussion shall have the effect of calling sharp attention to the

subject and the steam-presses have to go out, let them go. We have not provided for any; we have not limited the bureau as to men; and if the investigation of the Secretary of the Treasury and the investigation of Mr. Graves and the investigation of the experts shall show that counterfeiting is promoted by the use of these presses, we have given them all the money they asked; we have given them the right to employ all the men they need; we have given them authority to take out the presses; and surely if counterfeiting is made easy by the use of any presses, twelve or sixteen presses can do as much damage as any other number, for they can print enough of that bad money which is provided for in the bill by the House to make the whole system vicious.

If it is found to be vicious, we have done what we ought to have done, we have given Mr. Graves power to employ as many men as will do all the work, and take all the presses out. We do not propose to say, "You shall run ten, or twelve, or fifteen, or sixteen of these presses, doing inferior work, but you shall not increase the number." There certainly is no propriety in such a provision. If there is a vice which makes it expedient that the machines shall not be used, they may be stopped altogether. If there is not, and the work is done as well, and done for half the money, why should we be putting restrictions upon the Secretary of the Treasury or upon the superintendent of the Bureau?

That was the idea we had about it, and that is all, so far as I know, that the committee took into consideration. We did not propose to settle this question, and while it is pending we thought we should neither limit the number of men nor the number of presses. That was done in the bill of the House both as to men and presses; but we left the question entirely open to be settled as future investigation might determine that it ought to be settled. When there was a doubt about which was right, I thought, and the committee thought, that the superintendent of the Bureau, upon whom the responsibility rests, with as strong a letter as this which has been read from the desk and a part of which I have read again, was the proper person to decide what was best to be done; and that was the consideration which controlled the action of the committee in coming to a determination.

Mr. HAWLEY. Mr. President, I have no harsh or unfriendly criticism to make upon Mr. Graves. I think he is a capable and faithful man. Neither is this criticism addressed to the work in the interest of the outside bank-note companies, for I am a firm advocate of keeping that work in the hands of the Government and keeping it out of ruinous cheap competition. It is the duty of the Government to make sure of its being excellent. That is the reason why I supported the bureau as against the outside opposition some time ago.

The Senator says that the work of the machine is fully equal to hand work. Why is it, then, that they do not use these machines for the face of the money where the fine work is to be done? They do not put the finest engraving through the machine press, I am told.

Mr. BECK. I beg pardon; I meant to say what Mr. Graves said, that for portions of the work they did the machines were equal to hand work, but as the Senator from Connecticut very well remarked, there is a fine part of the work which always has been done, and so far as Mr. Graves advises us he expects it always will be done by hand, it being work of the general character which the Senator from Connecticut so well described as being necessary to be done by hand. The machines do not do all the work; they never have done it, and I suppose never will. That is the way I understand it; but I am not a practical printer nor engraver and I know very little about it. I do not know the minutiae, except that I am very sure Mr. Graves said that certain parts of the printing was done by hand, but that the portion he now has done by the presses is as well done as the work by hand.

Mr. HAWLEY. I understand the Senator. The truth is that to those who advocate this press it does not make so much difference whether it is good work or not; it will be good enough, they think, for that part of the bills. There I differ with them, and I think a careful examination of thirty or forty bills by the Senator himself, although he says he is not an expert, will satisfy him that the machine presses do not exhibit the best work. Mr. Graves says one or more of these presses is used by every outside company. Why only one or two? Because only second-class work can be entrusted to them. I say the whole of our work ought to be the best that can be done. The Senator overestimates the saving, in my judgment. That has been stated sufficiently in the memorial of the plate-printers themselves.

Again—and it is all I shall say—it is not a question of saving \$25,000 or \$50,000. It is a question of excellence, and indeed I think that a trial before a competent tribunal will demonstrate that we are right in stopping the increase of those presses. While I think nobody desires now to go to so radical a measure as throwing them away, yet my own private judgment is that they ought not to touch our paper money at all.

Mr. BLAIR. I have in my hand a card, a formal card, such as we use in the courtesies of life, which was passed to me by my colleague, and I am informed that even this kind of printing is done only by the hand-press. The engraving is first done by the hand. We have not acquired such skill in the use of machinery as yet that even the ordinary civil associations of life are allowed to be carried on without the skill of the hand-press. The machine has not progressed so far as to

interfere with even our social customs as yet, and the really nice work is almost universally done by hand. The printing of bonds, the printing of currency, all the work that has to be done with nicety at least, is still done by the hand.

It was shown to my satisfaction in my interviews with those gentlemen that these new specimens of currency for circulation which the gentlemen of the Committee on Appropriations say look just exactly as well as the hand work are that kind of work which when done by machinery very soon fades and is eliminated from the surface of the bill. It does not endure, even with its apparent quality, for any great length of time, so that what might have been to the eye of any Senator equally good work with the hand work in six months from this time or in one month from this time may show a greater deterioration as compared with hand work.

That being so, very soon this currency comes to be practically useless and very easily imitated by counterfeiters, for we know that their art does not extend simply to the preparation of the new note which goes out crisp and apparently fresh to the people, but they imitate the old and soiled note that has been in use for a considerable length of time. Thus when the currency printed by this machinery has been in use a short period, so as to come to have the dilapidated appearance which results from long use, the counterfeiter with his fresh currency, but subjected to a manipulation to give it the appearance of having been long in circulation, obtains advantages which he could not possibly obtain if the work had retained not only the fine but the durable marks of the hand engraver.

But, it being conceded by everybody that high quality is the real and important thing to obtain, it is not a question between the introduction of machinery as against hand labor, because the machinery must perform a great deal more in the same time and at a great deal less expense. That is not the controversy at all, and Senators ought not to try, as Mr. Graves, the writer of this letter, the head of the bureau, does, to change the real issue, for we might well incur very great expense in order that our currency should be free from the art of the counterfeiter. Everybody can see that quality is the only real thing to be obtained in the printing of our currency, and thus it is that another question is raised between the performance of our work by the Government and outside corporations and companies.

I am not in favor of the abolition of the bureau by any means. The men who object to the use of machines still want the work to be done by the Government, but they desire it to be done by the hand; and thus all are interested. As they are performing the labor itself, and get compensation for it, they are interested, and the money men of the country are interested more than any others that the circulation itself should be as perfect or as nearly perfect as possible.

The Senator from Kentucky says that the committee have not meddled with the matter in this bill; that they have left it entirely to the discretion of the Secretary of the Treasury, or that they have undertaken to do so. But they have said nothing of the kind. They have made the appropriation. They have made general provisions as to the expenditure of the money; they have imposed some conditions; but they have done more than that. By striking out this proviso which came to us from the House, and which is a limitation upon the number of machines, they have done what in law is called the office of the negative pregnant. By striking it out they have affirmed full liberty to employ or use just as many machines as the superintendent may see fit. That is what they have done. They have removed the limitation where one already existed; and so the Senator must admit that the committee place us in the attitude of authorizing the unlimited use of the machines against which complaint is made.

But I do not wish to take up the time of the Senate. I have said all that I desire to say, and so far as I am concerned, I submit the question to the Senate.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the Committee on Appropriations to strike out the lines which have been read at the desk.

Mr. BLAIR. The vote to strike out is to sustain the committee?

The PRESIDENT *pro tempore*. The vote "ay" is to agree with the committee, who reported the amendment to strike out.

Mr. BLAIR. So those against striking out will vote "no"?

Mr. CHANDLER. Let the amendment be stated.

The PRESIDENT *pro tempore*. The amendment of the committee will be again read.

The SECRETARY. On page 20, line 2, the committee report to strike out the following proviso:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

The PRESIDENT *pro tempore*. The vote in the affirmative strikes out what has just been read. The vote in the negative retains it. The question is on agreeing to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. BECK. Let us have a division on that.

Mr. HOAR. Let it go until the bill reaches the Senate.

Mr. CULLOM. There is no quorum here.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky ask for a division?

Mr. BECK. I do not ask for the yeas and nays. Let the Senate divide.

Mr. ALLISON. I hope that my friend from Kentucky will withdraw the demand for a division.

The Senate proceeded to divide, and the yeas were 17—

Mr. HARRIS. Do not the "noes" give it up?

Mr. CAMERON. I move that the Senate adjourn.

Mr. ALLISON. I should be glad to adjust the matter between our friends, so that we can go on with the bill.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate adjourn.

Mr. ALLISON. I hope that motion will not prevail.

Mr. CAMERON. There is not a quorum here.

The PRESIDENT *pro tempore*. Seventeen Senators have voted in the affirmative.

Mr. BECK. Before there is any announcement, for fear of the lack of a quorum, I will withdraw my call and let it go either way.

Mr. BLAIR. The Senator can do that.

Mr. BECK. There has been no announcement. I withdraw the call, and will let it be decided.

The PRESIDENT *pro tempore*. The Chair will again call for a vote by sound.

Mr. BLAIR. I am willing to accept the suggestion of the Senator from Kentucky that the vote be declared in the negative.

The PRESIDENT *pro tempore*. The Chair will again put the question. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, line 7, after the words "one hundred and," to strike out "eighty-nine thousand" and insert "ninety-six thousand five hundred;" so as to make the clause read:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, \$196,500, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in the appropriations for "light-house establishment," on page 21, line 8, after the words "three hundred," to insert "and twenty-five;" so as to read:

Repairs of light-houses: For repairing, rebuilding, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing pier-head lights; for illuminating apparatus and machinery to replace that already in use, and for incidental expenses relating to these various objects, \$325,000.

The amendment was agreed to.

The next amendment was, on page 21, line 19, after the words "fog-signal keepers," to strike out "five hundred and eighty-five" and insert "six hundred;" so as to make the clause read:

Salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of not exceeding one thousand one hundred light-house and fog-signal keepers, \$600,000.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "thousand," to strike out "three" and insert "four;" so as to make the clause read:

Inspecting lights: For mileage or traveling expenses of members of the Light-House Board, including rewards paid for information as to collisions, and for the apprehension of those who damage light-house property, \$4,000.

The amendment was agreed to.

The next amendment was, on page 23, line 2, to increase the amount of the appropriation for "lighting of rivers" from \$235,000 to \$250,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," in the appropriations for "pay of office force," on page 33, after line 6, to insert:

For additional draughtsmen, at not exceeding \$900 per annum each, \$4,500.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

For additional computers, at not exceeding \$900 per annum each, \$2,700.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

For additional engravers, at not exceeding \$900 per annum each, \$2,700.

The amendment was agreed to.

The next amendment was, on page 38, line 3, to increase the total amount of the appropriation for "pay of office force" of Coast and Geodetic Survey from \$124,605 to \$134,505.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects under the Treasury Department," on page 40, line 10, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, \$50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expendi-

tures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment was, on page 40, line 25, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, \$50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. ALLISON. That amendment may be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 41, after line 22, to insert:

Old copper cents at the mint at Philadelphia: To cover the difference between the nominal value of a stock of old copper cents and their value as metallic copper, in order to enable the mint at Philadelphia to properly dispose of a stock of such coins unfit for recoinage or for the purpose of alloy, \$1,500, or so much thereof as may be necessary to reimburse the Treasury for the loss on such coin.

The amendment was agreed to.

The next amendment was, on page 42, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

Distinctive paper for United States securities: For paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, \$60,000.

The amendment was agreed to.

The next amendment was, on page 44, line 4, after the words "new buildings," to strike out "exclusive of personal service except for work done by contract;" so as to read:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, for all public buildings under the control of the Treasury Department, including marine hospitals, and furniture, carpets, chandeliers, and gas-fixtures for new buildings, \$200,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The next amendment was, on page 44, line 9, at the end of the clause making appropriations for "furniture and repairs of furniture for public buildings under control of Treasury Department," to add the following proviso:

Provided, That of the above sum not more than \$10,000 may be expended for the personal services of laborers, mechanics, and draughtsmen.

Mr. ALLISON. I would explain the reason for that amendment striking out and inserting. At line 4 the committee recommend striking out the words "exclusive of personal service except for work done by contract." It is impossible for all the little work about these public buildings to be done by advertisement and contract. Therefore we struck out those words and inserted the proviso, so that for any work of importance the officers would be required to advertise.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 44, line 18, before the words "marine hospitals," to insert "including;" and after the word "hospitals," in line 19, to strike out "included;" so as to read:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury for electric-light wiring, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, including marine hospitals, under the control of the Treasury Department, inclusive of new buildings, \$625,000.

The amendment was agreed to.

The next amendment was, on page 45, after the word "Department," at the end of line 19, to strike out "three thousand five hundred" and insert "four thousand;" so as to make the clause read:

Plans for public buildings: For books, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, \$4,000.

The amendment was agreed to.

The next amendment was, on page 46, line 13, before the word "thousand," to strike out "twenty" and insert "thirty;" so as to make the clause read:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs-revenue laws, \$30,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

Anchorage of vessels in port of New York: To enable the Secretary of the Treasury to carry into effect the provisions of "An act relating to the anchorage of vessels in the port of New York," approved March 16, 1888, \$35,000.

The amendment was agreed to.

Mr. ALLISON. I move to insert, after line 7, on page 46:

Investigating pay and bounty claims of Indian soldiers: For continuing the investigation of certain claims of Indian soldiers and their heirs for arrears of pay and bounty, \$2,000.

The amendment was agreed to.

Mr. ALLISON. On page 46, after line 23, I move to insert:

ENFORCEMENT OF THE ALIEN CONTRACT-LABOR LAWS.

For the purpose of carrying into effect the provisions of the alien contract-labor law approved February 26, 1885, as amended by the act approved February 23, 1887, and to defray the expenses which the Secretary of the Treasury is authorized to incur by the provisions of said last-named act, \$50,000, or so much thereof as may be necessary, to be paid out of the "immigrant fund" provided for in the act approved August 2, 1882, entitled "An act to regulate immigration."

The amendment was agreed to.

Mr. ALLISON. Immediately after that I move to insert:

Expenses of collecting revenue from customs: To defray the expense of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year 1889, \$450,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to make a correction in line 22, on page 46, by striking out the word "March" and inserting the word "May;" so as to make the line read:

Approved May 16, 1888.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Chief Clerk will state the proposed amendment.

The CHIEF CLERK. On page 46, in line 22, it is proposed to amend by striking out the word "March" and inserting the word "May;" so as to read:

To enable the Secretary of the Treasury to carry into effect the provisions of "An act relating to the anchorage of vessels in the port of New York," approved May 16, 1888, \$35,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, at the end of the clause appropriating \$130,000 for "propagation of food fishes," to add the following proviso:

Provided, That the building known as the Armory Building, Washington, D. C., is hereby transferred to the charge of the United States Commissioner of Fish and Fisheries for use as a hatching and distributing station and for offices.

The amendment was agreed to.

The next amendment was, on page 47, line 24, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

Rent of office United States Fish Commission: For rent of rooms in the city of Washington, \$3,000.

Mr. ALLISON. It will be observed that by the preceding proviso we transfer the Armory Building to the control of the Fish Commission. I have been told since this amendment was framed that in addition to the room there provided for hatching purposes there is also room enough for most of the offices of the commission. So I move to insert in the pending clause \$2,500, instead of \$3,000, so that the conference committee may have full control of those two paragraphs, and it may be possible that we can dispense with the entire appropriation on lines 24 and 25 of page 47.

The PRESIDING OFFICER. The proposed amendment will be stated.

The CHIEF CLERK. On page 47, line 24, in lieu of the committee amendment providing "for rent of rooms in the city of Washington, \$3,000," it is proposed to insert "for rent of rooms in the city of Washington, \$2,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, after line 5, to insert:

Establishment of stations: For the construction of buildings, ponds, and appliances for a station for fish-culture at Neosho, Mo., \$8,000.
For maintenance of same, \$5,000.

The amendment was agreed to.

The next amendment was, on page 48, line 11, after the word "vessels," to insert "and steam-launches;" so as to make the clause read:

Maintenance of vessels: For the maintenance of the vessels and steam-launches of the United States Fish Commission, and for boats, apparatus, machinery, and other facilities required for use with the same, including salaries or compensation of all necessary civilian employes, \$43,900.

The amendment was agreed to.

The next amendment was, on page 48, line 22, after the words "South Atlantic," to strike out "and;" in line 23, after the word "Gulf," to insert "and Pacific;" in line 25, after the word "inquiry," to insert "including salaries or compensation and field expenses of scientific assistants, fishery experts, and other necessary employes, \$20,000;" and in line 2, page 49, to strike out the word "for;" so as to make the clause read:

Inquiry respecting food fishes: For continuing the inquiry into the causes of the decrease of food fishes in the lakes, rivers, and coast waters of the United States, and for the study of the waters of the interior in the interests of fish-culture; for the study of the methods and relations of the fisheries, with a view to their improvement; for the exploration of the fishing grounds of the South Atlantic, Gulf, and Pacific coasts, with a view to the development of the commercial fisheries; and for the preparation of reports relating to the inquiry, including salaries or compensation and field expenses of scientific assistants, fishery experts, and other necessary employes, \$20,000.

The amendment was agreed to.

The next amendment was, on page 49, line 3, before the words "the collection," to insert "Statistical inquiry: For;" in line 9, after the word "compensation," to strike out "and field expenses of scientific

assistants, fishery experts, and other," and insert "of all," and in line 10, after the word "employés," to strike out "fifteen" and insert "ten;" so as to make the clause read:

Statistical inquiry: For the collection and compilation of the statistics of the fisheries of all portions of the United States, including persons employed, capital invested, and the quantity and value of the products, and for such general and miscellaneous expenditures as the Commissioner may find necessary in the prosecution of this work, including salaries or compensation of all necessary employés, \$10,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 19, to insert:

To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, \$50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, from February 25, 1871, to the time of his death, in August, 1887.

Mr. BERRY. I would like to inquire of the Senator from Iowa how it is that, although Professor Baird was to receive no salary, this full sum is now due for the entire time of his service? My recollection of the law is that the Fish Commission should be appointed from employés of the Government and was to receive no additional salary. This appropriation of \$50,000 is for the entire time that Professor Baird was in office, from 1871 to the date of his death. I would like to inquire how this comes.

Mr. ALLISON. If the Senator from Arkansas will take the report of the committee (Report No. 1814) and will turn to page 100 of that report, and read carefully the statement made there respecting the services of Professor Baird in this regard, and his relations to the Government as Secretary of the Smithsonian Institution, I think he will be convinced that this is a just and proper appropriation for the eminent services of Professor Baird during the long period of his service as Chief of the Fish Commission. And in order to give Senators an opportunity to make an examination of this testimony and statement, I will ask that this amendment may be passed over until the bill is gone through with, or at least until Senators may have an opportunity of examining the report.

The PRESIDING OFFICER. That will be agreed to if there be no objection.

Mr. ALLISON. Some Senators suggest that the statement of the Senator from Vermont [Mr. EDMUNDS] on this subject be printed in the RECORD. It is not a long statement.

The PRESIDING OFFICER. The Chair would suggest that that might be put in the RECORD to-morrow when the amendment is taken up.

Mr. ALLISON. I ask that it may be put into the RECORD to appear to-morrow morning.

The PRESIDING OFFICER. It will be so ordered unless objection is made.

The statement is as follows:

Hon. GEORGE F. EDMUNDS appeared:

Mr. BECK. To what part of the bill do you wish to call the attention of the committee?

Mr. EDMUNDS. I propose that you shall insert an amendment to pay Mrs. Professor Baird \$50,000 for the fifteen years and a half of unrequited service that Professor Baird did for the United States; and this is my statement as a witness, which I have condensed as much as possible to save your time:

By the act of 9th February, 1871 (volume 16, page 594), Revised Statutes, section 4395, page 851, it was provided that—

"There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employés of the Government, a Commissioner of Fish and Fisheries, who shall be a person of proved scientific and practical acquaintance with the fish of the coast, and who shall serve without additional salary."

Section 4396.

"The Commissioner of Fish and Fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place, and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises, and shall report upon the same to Congress."

From this it will be seen that the scope of the duties of the Commissioner was limited to a purely scientific inquiry into an existing state of things, and it is apparent from the language of the statute that it was to be a temporary affair.

Under this act Professor Baird (who was then assistant secretary of the Smithsonian Institution, at a salary of ——— dollars) was appointed Commissioner to make these investigations, and he immediately entered upon the vigorous prosecution of his duties, and after his report Congress, in 1872, made provision for continuing the inquiry. And by the act of 10th June, 1872 (volume 17, page 350), it extended the duties of the Commissioner to the entirely new work of the introduction of shad into the waters of the Pacific States, Gulf States, and the Mississippi Valley, and of salmon, whitefish, and other useful food fishes into the waters of the United States to which they were best adapted.

This enactment changed the character of the duties of the Commissioner from that of mere scientific investigation into an extensive and most important administrative work, involving time, labor, and responsibility many times greater than the inquiry to be made under the act first above mentioned into the causes of the decrease of food fishes. From 1872 down to the time of Professor Baird's death, in 1887, his work was continually increasing under the provisions of the acts of Congress passed from year to year, enlarging the area of his labors in respect of the hatching of fish and their establishment in all the waters of the United States, as well as the shipment of eggs and young fish to other countries having similar establishments, etc.

And in addition to all this Professor Baird was required to take the responsibility of and provide for the exhibition of the fishery products, etc., of the United States at the Berlin International Exhibition, at the British International Exhibition, at the Philadelphia Centennial Exhibition, and at the New Orleans Exhibition, and he was also required to devote a great amount of time and labor in the preparation of statistics and furnishing facts for use on behalf of the United States before the Halifax Commission. And yet it was not until the

year 1883 that provision was made for his having any responsible and official assistant. In all this work, scientific and administrative, he made himself familiar with every detail and gave many hours of nearly every day in each year to the personal management and supervision of it, to the great advancement not only of science and scientific knowledge, but to the successful development of the scheme of restocking the waters of the United States with fish, as provided for in the acts of Congress; and his management of the fishery exhibits of the United States at the various exhibitions referred to conferred the greatest honor upon his country.

During all this period of more than fifteen years I was a near neighbor and intimate friend, and saw him and his work almost constantly from week to week, and so I can state from personal knowledge that in my deliberate opinion his work as Commissioner of Fish and Fisheries occupied not less than six hours on an average of every day of the whole period. During a large part of this time he had his office at his house, occupying rooms set apart and devoted exclusively to these purposes, and he had the almost constant assistance of his daughter in the examination of the very voluminous correspondence, the writing and revision of letters, and in all such incidental ways as that most competent young lady was able to help her father; and a few years ago he enlarged his house at an expense of many thousand dollars from the controlling motive of having more space for carrying on his Fish Commission work.

From early morning until nearly noon he devoted himself to it at his house constantly. He would then go to the Smithsonian Institution and spend several hours there in intense personal application and labor to his duties as assistant secretary and after the death of Professor Henry as secretary; and having fully performed all his duties there would return to his house and devote most of his evenings, and often far into the night again, to the work of the Fish Commission. I speak of all these details during these long years from intimate personal knowledge of his course of life. He could almost never be persuaded to take a holiday, when year after year his family and his intimate friends who knew that he was overworking himself would remonstrate and beg him to leave some share of these great responsibilities and exacting labors in other hands. The result with him was what many of his friends feared would happen—he literally worked himself to death in most valuable and meritorious and honorable service to the United States, the largest part of which was never contemplated nor provided for when his office of scientific investigation was created without a salary.

In such a case it appears to me that both the dignity and the justice of the United States require that a suitable recognition of this unrequited labor should be made to his widow, who has been for many years a great invalid, and who, with their daughter, is left in decidedly slender circumstances.

Here is a memorandum which I think was mostly made by Professor Baird himself about his work in the last year of his life, when he knew, and his family did not know, that he was going to die, which I will read. I am certain, privately, that Professor Baird left this memorandum, except perhaps the last word or two of it, among his papers for his wife. I will add that I dictated the paper, my own statement as a witness, without knowledge or recollection of the fact that such a memorandum as this existed. Then I came up again and asked Mr. Cleaves to let me see the papers, and I found this, which I had entirely forgotten.

"MEMORANDUM AS TO THE RELATIONSHIPS OF S. F. BAIRD TO THE UNITED STATES FISH COMMISSION.

"The commission was established in 1871, with myself as Commissioner, solely for the purpose of investigating the alleged decrease of the food fishes of the seacoast and lakes of the United States, and its causes and remedies. The service was only expected to occupy the summer months of one or at most two years, requiring comparatively little trouble and responsibility; and an appropriation of \$5,000 was made for the purpose the first year. The law expressly stipulated that no additional compensation was to be paid to the Commissioner for his work.

"In 1872 the subject of fish-culture was added to the work to be done by the commission; and an appropriation of \$15,000 was made for continuing the inquiry into the food fishes and meeting the cost of the new division.

"Year by year the appropriations were increased, the scope of the work enlarged, and the labors of the Commissioner amplified in proportion; until, including the appropriations for the fiscal year 1886, the sum amounted (in all) to over \$2,000,000.

"The average amount of time required of the Commissioner exclusively for the duties of the commission is not less than six hours a day, mostly in the early morning, and in the evening after the office work of the Smithsonian is completed.

"The commission is organized on a business basis, corresponding to that of other bureaus of the Government, although more completely than most of them.

"The correspondence of the commission is enormous; the letters received, and requiring the attention more or less direct of the Commissioner, amounting to at least 15,000 per annum, and as many more circulars and blanks. The letters written by the dictation of the Commissioner, or by his direction, and reviewed by him before signing, represent half that number.

"The death of Professor Henry, in 1873, and the succession of the present Commissioner to the office of secretary of the Smithsonian Institution, so greatly increased his work as to make it necessary to give up all outside work which has enabled him to add to his private revenue.

"For a number of years all the office accommodations and conveniences required by the commission were furnished gratuitously by the Commissioner in his private residence. From 1871 to 1875 one of the best rooms of his house on New York avenue was given up for the needs of the Commission, including office accommodation of the clerks. The increasing magnitude of the work made other additional space necessary, and the Commissioner built a large house on Massachusetts avenue, mainly for this purpose, arranging it entirely in the interest of the commission. These accommodations included two basement rooms with iron safe, closet, and other necessities. This for a time answered all the purposes of the commission, but with the increasing growth it became inadequate, and an appropriation was obtained from Congress for renting a house next door to the Commissioner's residence, and connected with it by an iron door, allowing free access between the two buildings.

"A few years later the accommodations again became insufficient, and the Commissioner extended his private residence for the purpose of obtaining an additional room. No rent was ever asked or received by the Commissioner for any of the quarters furnished by him. At present all the expenses of lighting, heating, etc., in the rooms of No. 1445 Massachusetts avenue are borne by the Commissioner. The rent paid by the Commissioner for his house on New York avenue was \$55 per month, and the house was quite sufficient for his own needs. The cost of the building on Massachusetts avenue has been not less than \$30,000, plus the taxes and insurance and extra expense of maintaining so large an establishment, representing the increased cost to him of hardly less than \$1,500 for continuing for fifteen years to act as the unpaid servant of the Government in connection with Fish Commission work.

"The alteration of the headquarters of the Fish Commission office for three or four months in the summer from Washington to some point on the seacoast from which investigations could be prosecuted made it necessary for the Commissioner to take his family with him, involving much additional expense in passenger fares, board, etc. The necessity of spending the summer in small fishing villages along the coast has also involved more or less inconvenience and almost privation.

"The construction of the Commissioner's residence on Massachusetts avenue was made in part at the expense of Mrs. Baird's share of her father's property, and in part of the moneys earned by his own editorial work. If his money had not been invested in this manner it would have been invested otherwise so as to have produced a corresponding income, the house on New York avenue being amply sufficient for his needs. It may be safely said, therefore, that apart from any question of compensation for services rendered, the many questions connected with the accommodations for the commissioner and the loss of interest on the investment, the Commissioner has been a loser to the amount of from \$1,800 to \$2,000 a year, this independent of the expenses of furnishing gas and coal, unreturned cost of the summer work, etc.

"Since the completion of the buildings at Wood's Holl for the accommodation of the work of the commission the Commissioner has paid all expenses of board of visitors to the commission; this sum in 1885 (including the board of his own family and that of visitors to the station) amounting to over \$300. It may here be distinctly and emphatically stated that all the subsistence of visitors to the Commission has been paid from the commissioner's private funds.

"In conclusion, attention may be called to the fact that the Commissioner receives his entire pay from the Smithsonian Institution, which is not a Government establishment, and that consequently the Government does not make one cent of compensation to him either for his work as United States Fish Commissioner or as director of the National Museum. There is and has been nothing to prevent his receiving pay as Commissioner even under the law of prohibition of double salaries.

"It may also be stated that on several occasions when it was proposed to pay him a salary he declined to entertain the proposition, on the ground that it might impair his usefulness as Commissioner by the impression that he derived benefit from appropriations made for his maintenance.

"The fact may be well emphasized that the clause providing for non-compensation of the Commissioner was inserted at the request of the Commissioner, but that the increase in the duties and responsibilities was made by Congress at the suggestion of an outside association and not at that of the Commissioner.

"ADDITIONAL MEMORANDA IN REGARD TO THE RELATIONSHIPS OF S. F. BAIRD TO THE UNITED STATES FISH COMMISSION.

"The act establishing the United States Fish Commission provided that the Commissioner should serve without additional salary. From the time of the appointment of the present Commissioner to the secretaryship of the Smithsonian Institution he has received no salary whatever from the Government; and therefore any compensation for the service would technically not be additional to anything already received. In view of this fact Mr. EDMUNDS proposed to ask for a specific appropriation to pay a salary, but the Commissioner disapproved the movement, on the ground that it would take away from that disinterestedness and freedom of action in requesting appropriations which were desirable under the circumstances.

"Some years ago the Commissioner, feeling the burden of furnishing quarters to the commission, asked for an appropriation to pay for the renting of rooms or a building outside; but Mr. HOLMANS, who was then chairman of the Appropriations Committee, declined to entertain the proposition, as he was opposed to anything that looked like fastening an additional bureau upon the Government.

"It will of course be understood that the expense of keeping up a house large enough to furnish a number of rooms for the service of the Fish Commission, in addition to the needs of his own family, will be much greater than that of an ordinary private residence. The house contains twenty rooms, of which three are in constant use by the commission. The expense of lighting and heating a house of this magnitude amounts to about \$600 per annum."

Mr. HALE. Why did we not take this matter in hand years ago and give Professor Baird a salary?

Mr. EDMUNDS. I proposed it to Professor Baird (and that is what his daughter or somebody must have referred to in making the end of that memorandum after he died), and Professor Baird said, "No; Congress will do whatever they think is proper for me in the end, and I do not want to have anybody say, as this thing is expanding all the time, that I am nagging around Congress to get something for myself; I am willing to trust the future for all that sort of thing when my work is done." That was the reply he made to me. I talked with Mr. RANDALL about it once, and Mr. RANDALL said it ought to be done, but the professor was so reluctant to bring himself in that under the circumstances we never did anything. I introduced a bill, and I want to turn that bill into an amendment.

The CHAIRMAN. You want to have whatever we do put on this bill?

Mr. EDMUNDS. Yes; that is exactly what I want, and it is perfectly suitable and proper if it is right to do it all, because it is not a private claim, but is a miscellaneous donation that under the circumstances it is proper for Congress to make, if you think so.

Mr. HALE. How much is the amount?

Mr. EDMUNDS. Fifty thousand dollars, which is just about \$1,500 a year, including the rent of all the rooms; and, according to the rates you are paying for other rents, if they had been hired by the United States you would have paid more than that for the rent of rooms for doing this business. I will just change the bill to an amendment, so as to read:

"To enable the Secretary of the Treasury to pay to Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, the sum of \$50,000, full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, from February 25, 1871, to the time of his death, in August, 1887."

That is the amendment I desire to have made.

Mr. BECK. You have Professor Langley's letter?

Mr. EDMUNDS. I have a copy of it here.

The CHAIRMAN. We had better put that in the record.

Mr. BECK. I think so. It is a very full statement.

Mr. EDMUNDS. It is an exact copy.

The letter is as follows:

"SMITHSONIAN INSTITUTION, Washington, D. C., February 4, 1888.

"MY DEAR SIR: I have before me your letter asking for information in regard to the public services of the late Professor Spencer F. Baird. It would have given me much pleasure to prepare a fuller statement than that which I now send you, but I have here done what the time allowed.

"Professor Baird was appointed assistant secretary of the Smithsonian Institution July 5, 1850, and on October 3, at the age of twenty-seven, he entered upon his life-work in connection with that foundation for 'the increase and diffusion of knowledge among men.' In May, 1878, after the death of Professor Henry, he was, by the unanimous vote of the regents of the institution, elected secretary of the Smithsonian Institution, a position which he held until his death, August 19, 1887.

"He was for thirty-seven years continuously in the scientific service of the Government. In connection with his duties as an officer of the Smithsonian Institution, his principal work was the development and care of the National Museum of the United States, which, under his wise administration, has always been an important element in the scientific and educational progress of this country, its scale of operations becoming each year greater and more highly appreciated both in this country and abroad. He was also especially instrumental in organizing the system of international exchanges of publications, which was always under his direct charge, and which has been one of the most

important agencies in the development of the public libraries of the United States, particularly in the departments of pure and applied science. He was, furthermore, during his entire official career, directly or indirectly concerned in the organization and administration of the scientific work of the numerous expeditions and surveys sent out under Government auspices, from the time of the Wilkes exploring expedition until his death. The reports upon the natural history of the Pacific Railroad survey, Mexican boundary survey, and many of the other surveys of the West were prepared under his direction, and the two volumes of the report of the Pacific Railroad survey devoted to mammals and birds were written by him, and are still standard works of reference. In addition to these reports he was the author of several hundred important papers upon the natural history and natural resources of the United States. In 1876 he was a member of the board on behalf of the United States Executive Departments at the International Exhibition of 1876, and the collections prepared under his direction were acknowledged to be among the most instructive and impressive exhibited on that occasion.

"I have thus briefly alluded to these labors to show that his position as an officer of the Smithsonian Institution was not a sinecure, but that he devoted to it, to the Museum, and to other allied Government interests the full time and labors of an exceptionally active and conscientious official. In spite of this, and in addition to it, his most important work, from an administrative and economic stand-point, and certainly the most self-sacrificing work of his life, was begun at the time of the organization of the United States Commission of Fish and Fisheries in 1871, when Professor Baird was appointed Commissioner, an office which he held in addition to all the preceding, and to the duties of which he gave himself uninterruptedly during the remainder of his life. I mean to say that he served continuously in both capacities, doing, not figuratively, but literally, more than the work of two active men, in order to do this working ordinarily and constantly over twelve or fourteen hours a day, on Sundays as well as week days.

"During the sixteen years in which he was constantly at his post he never depu-
ted his responsibilities to another, except during the five months preceding his death. There can be no doubt that his death was hastened many years, not by his independent regular labors as an officer of the Smithsonian, but by the labor, anxieties, and responsibilities of his peculiar position as Fish Commissioner, which became more burdensome each year with the expansion of his work.* After this, it is saying little to add that out of his slender private means he gave the equivalent of at least \$1,500 per annum, for sixteen years, to the Commission, in the form of uncharged house and office rent.

"As Commissioner of Fisheries he rendered a twofold service. The scientific work, which was considered by him to be of the utmost value as a foundation for the practical work which was to follow, has been exceedingly extensive and important, and the achievements of the United States Government in this direction are recognized throughout the world as evidence of its enlightened and liberal attitude toward scientific research. Fifteen years ago less was known in this country of the natural history of our waters than perhaps in any other civilized country of the world. In 1887, however, it was generally conceded by foreign naturalists that the United States was further advanced than any other country in this department of science. The scientific work of the commission has always been conducted with reference to definite and practical results, and the economic side of the work of the Fish Commission is comparatively in a still more advanced condition.

"It seems scarcely necessary to dwell upon the results in fish culture attained by the commission under Professor Baird's direction. You are thoroughly familiar with the manner in which certain fisheries, such as the shad fishery of the Atlantic coast, the salmon fishery of the Pacific coast, and the white fishery of the Great Lakes, have been saved from destruction; how the Asiatic carp has been planted in the 20,000 or more ponds and lakes in almost every township in the United States; how the shad fishery has been established in unfamiliar waters, such as the Ohio River and Pacific Ocean; and in addition to this, how many other steps of great magnitude have been made in the art of fish-culture.

"I dare not attempt to estimate the practical value of the work of the commission to the country, but can not doubt that it amounts to very many millions of dollars. I presume you are familiar with Mr. Goode's 'Review of what has been accomplished by the Fish Commission in fish culture and in the investigation of American fisheries;' but I venture to send herewith a copy of this pamphlet, and to direct your special attention to pages 26 to 34, in which are quoted numerous commendations of the Fish Commission from the principal authorities of Great Britain, Norway, Holland, Germany, Belgium, France, and other European nations. Professor Huxley, in an address at the London Fisheries Exhibition, said that he did not think 'that any nation at the present time had comprehended the question of dealing with fish in so thorough, excellent, and scientific a spirit as that of the United States;' while M. Raveret-Wattel, the principal French authority on this subject, states that 'to this day pisciculture has nowhere produced results which can be compared with those obtained in the United States.' No one can question that the peculiar excellence of the work of our Government has been directly or indirectly due to the presence of Professor Baird at the head of the commission. He had no rivals, and during his administration no word of criticism was ever uttered by competent persons.

"All this, it may well be remembered, was accomplished while filling effectively the distinct duties of an officer of the Smithsonian Institution, for which alone he was paid. And it may be added that during the first half of his term of service as Commissioner, and while he was assistant secretary of the Smithsonian, his entire salary was less than that received by several of his assistants during the last few years.

"In reference to the possible precedent of the action of Congress in the case of the late Professor Henry, I would state that a communication from the Secretary of the Treasury was received by the House of Representatives June 4, 1878, and by the Senate June 5, 1878, recommending an appropriation of \$50 for each year during which the late Professor Henry was employed as a member of the Light-House Board for the benefit of his family. On June 20, 1878, an act was passed 'to pay to the legal representatives of the late Joseph Henry, for services rendered by him as member and president of the Light-House Board, \$11,000.' (Second session Forty-fifth Congress, page 214.)

"In the absence of time for a fuller statement, let me ask your attention to the few words in which the benefits to his country of Professor Baird's labors were described by a recent most competent biographer:

"The Fish Commission was an agency of research; but it was more. He made it an agency by which science is applied to the relief of the wants of mankind; by which a cheap, nutritious, healthful, and luxurious food is to be given to the millions of men. He affirmed that for the production of food an acre of water was more than equal to 10 acres of land, thus giving to the gloomy doctrine of Malthus its ultimate refutation, and clearing away the veil of despair from the horizon of the poor; for when the sea shall serve man with all the food that can be gathered from its broad expanse, the land will not contain the millions whom it is thus possible to supply.

"Professor Baird's services as Fish Commissioner were entirely unremunerated. When he knew he was dying, looking to the position of his family and the slender provision that the sacrifice of all opportunities for private gain had left, he only told them that he could not but think that Congress, in view of

* It is, at the same time, but proper to say that this expansion was deprecated rather than recommended by him, and was the result of the interest exhibited by the public at large in the advancement of the work of fish culture.

these sixteen years of unrequited service to his country, might be trusted to see that justice was done.

"I am, sir, yours, very respectfully,

"S. P. LANGLEY.

"The Hon. JAMES B. BECK, U. S. Senate."

Mr. CAMERON. I move that the Senate adjourn. It is after 5 o'clock.

Mr. ALLISON. I hope the Senator will let us go on a little further.

Mr. CAMERON. We have done a good deal already on this bill.

Mr. ALLISON. I hope the Senator will withdraw his motion.

Mr. CAMERON. I will not withdraw it.

Mr. ALLISON. Then I hope the motion will not be agreed to.

The PRESIDING OFFICER put the question and declared that the yeas appeared to prevail.

Mr. ALLISON. Let us have the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SPOONER. I wish to announce that the Senator from Minnesota [Mr. DAVIS] is absent, and will remain away from the Senate for about a fortnight. I desire that the ground of his absence may appear in the RECORD, and therefore I will state for him that the illness of his mother has necessitated his return to his home. He is paired with the Senator from Indiana [Mr. TURPIE]. In order that it may be unnecessary hereafter to announce his pair, I make the announcement now.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] has been called home by the illness of his wife, and may not return for some days. He is paired on all political questions with the Senator from Kansas [Mr. PLUMB].

Mr. HAWLEY. My colleague [Mr. PLATT] has been called home to Connecticut. He is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. BROWN (after having voted in the affirmative). I am paired on all party questions with the Senator from Oregon [Mr. DOLPH]. If this is a party question, I withdraw my vote.

Mr. ALLISON. It is not a party question.

Mr. BROWN. Then I will let my vote stand.

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. MORRILL] upon political questions.

Mr. FRYE. This is not a political question.

Mr. HARRIS. Then I vote "yea."

Mr. ALDRICH. My colleague [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 10, nays 28; as follows:

YEAS—10.

Bate,	Cockrell,	Gray,	Voorhees.
Brown,	Coke,	Harris,	
Cameron,	George,	Reagan,	

NAYS—28.

Aldrich,	Chandler,	Hoar,	Ransom,
Allison,	Ingalls,	Ingalls,	Sabin,
Beck,	Daniel,	Manderson,	Saulsbury,
Berry,	Farwell,	Mitchell,	Spooner,
Blackburn,	Frye,	Morgan,	Stewart,
Blair,	Hampton,	Palmer,	Stockbridge,
Call,	Hawley,	Pasco,	Walthall.

ABSENT—38.

Blodgett,	Evarts,	McPherson,	Sherman,
Bowen,	Faulkner,	Morrill,	Stanford,
Butler,	Gibson,	Paddock,	Teller,
Chace,	Gorman,	Payne,	Turpie,
Colquitt,	Hale,	Platt,	Vance,
Davis,	Hearst,	Plumb,	Vest,
Dawes,	Hiscock,	Pugh,	Wilson of Iowa,
Dolph,	Jones of Arkansas,	Quay,	Wilson of Md.
Edmunds,	Jones of Nevada,	Riddleberger,	
Eustis,	Kenna,	Sawyer,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. ALLISON. Let us have a call of the Senate.

The roll was called and the following Senators answered to their names:

Aldrich,	Cameron,	Hampton,	Ransom,
Allison,	Chandler,	Harris,	Reagan,
Bate,	Cockrell,	Hawley,	Sabin,
Beck,	Coke,	Hoar,	Saulsbury,
Berry,	Cullom,	Ingalls,	Spooner,
Blackburn,	Daniel,	Manderson,	Stewart,
Blair,	Farwell,	Mitchell,	Stockbridge,
Bowen,	Frye,	Morgan,	Voorhees,
Brown,	George,	Palmer,	Walthall.
Call,	Gray,	Pasco,	

The PRESIDING OFFICER. There is a quorum present, thirty-nine Senators having answered to their names. The roll will be again called.

Mr. HARRIS. On what question is the roll to be called now?

The PRESIDING OFFICER. On the question of adjournment.

Mr. ALLISON. We do not want a quorum to decide a motion to adjourn.

The PRESIDING OFFICER. There being a quorum present now, the question recurs on the motion to adjourn.

Mr. HOAR. It does not require a quorum on a motion to adjourn. The fact that a call of the Senate disclosed the presence of a quorum would render it unnecessary to call the roll again.

The PRESIDING OFFICER. It was at first the impression of the Chair that the vote would have to be taken again. On reflection the Chair thinks the motion to adjourn has been decided in the negative.

Mr. ALLISON. If Senators will allow me now to go on until we finish the reading of the matter relating to the Library, I will then make a motion to adjourn. Meantime I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after line 12, to insert:

UNDER THE DEPARTMENT OF STATE.

International boundary survey, United States and Mexico: To enable the President to execute and complete the engagements of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, \$100,000, or so much thereof as may be necessary for the said survey and relocation of the monuments, to be performed by officers of the Army under the direction of the Secretary of War: *Provided*, That all records, maps, field-notes, and computations in connection with said survey shall be deposited in the Department of State as an international record; and the money hereby appropriated, or so much thereof as may be needed, and also the money appropriated for the same purpose by the sundry civil act approved March 3, 1885, shall be disbursed and paid by the Secretary of State, on the requisitions of the Secretary of War, from time to time as it may be required.

The amendment was agreed to.

The reading of the bill was continued to page 52, line 19.

Mr. HOAR. Let me ask my friend from Iowa to allow me to move at this point an amendment which I am sure will meet with the approval of every member of the Senate:

To enable the Architect of the Capitol to protect the paintings in the rotunda by suitable railing or netting, \$500, or so much thereof as may be necessary.

Mr. Clark, the architect, thinks that will be enough.

The PRESIDING OFFICER. Will the Senator please send his amendment to the desk?

Mr. HOAR. It has been taken down by the reporter.

Mr. ALLISON. The Senator says that that amendment was referred to the Committee on Appropriations. I do not know about that.

Mr. HOAR. I sent that amendment to your committee.

Mr. ALLISON. If the Senator will leave it over till to-morrow morning I shall be certain to get it in before we get through. In that way we shall have the exact phraseology.

Mr. HOAR. Very well. Those paintings, I will say, are regarded, some of them, especially Trumbull's great painting of the Declaration of Independence, as the most valuable works of art in this country. Certainly the painting of the Declaration of Independence is valuable, not only as a masterpiece of American art, but also on account of the very great pains which were taken by Colonel Trumbull, the artist, to get authentic and accurate portraits. There are portraits of several eminent persons in the painting, which are found nowhere else, and it is exposed now to the touch of every passer-by, and liable to be injured by the careless handling of a cane or umbrella.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Under the Department of the Interior," on page 52, after line 22, to insert:

For the purchase by the Secretary of the Interior of that part of lot 11, in square 683, situated in the city of Washington, in the District of Columbia, as laid out and recorded in the original plat of the city and District aforesaid, lying directly north of the Senate stables, and containing 6,087 square feet, \$6,087, upon proof of a perfect title and the execution to the United States of a deed good and sufficient in law and in form approved by the Attorney-General; said ground to be used in connection with the Senate stables.

The amendment was agreed to.

The next amendment was, on page 53, line 9, after the words "Building for the Library of Congress," to strike out:

That the Committee on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed \$3,000,000; and the sum of \$10,000 is hereby appropriated to be expended under the direction of the above-named committee, to pay for the said designs and general specifications. That said committee shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress be, and the same is hereby, transferred to the care and custody of the Interior Department, the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress.

And insert in lieu thereof:

For continuing the construction of the building for the Library of Congress, including the compensation of all persons employed in connection therewith, as follows: Architect, assistant architects, engineer and superintendent of construction, and skilled draughtsmen, civil engineers, and such other services as the Chief of Engineers of the Army may deem necessary for the prosecution of the work, and shall specially order, together with such mechanics and laborers as may be necessary to carry into effect the appropriation herein made for con-

struction of said Library building, and to be paid from such appropriation, for the construction of the western front of the building and reading-room, and the book repositories connected therewith, as shown by sketch termed "Plan No. 1," on file in the office of the Librarian of Congress, \$1,000,000. This appropriation and all appropriations hereafter made and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. This appropriation shall be disbursed by the Secretary of the Interior as provided by act authorizing construction of said building, approved April 15, 1886. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and the commission provided for by act entitled "An act authorizing the construction of a building for the accommodation of the Congressional Library," approved April 15, 1886, is hereby abolished, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library, except such as is contemplated in the sketch or "Plan No. 1," herein referred to, and all contracts for work or materials outside of the space covered by said plan are hereby rescinded. All sketches, plans, and computations heretofore made or hereafter made respecting said Library building, or any part of the same, shall be the property of the United States.

Mr. BECK. Can we not get in at this point an amendment the committee has agreed on?

Mr. ALLISON. The clerk of the committee has just taken it away.

Mr. HARRIS. Do you refer to the amendment reported here?

Mr. ALLISON. No; it is an immaterial amendment, I will say to the Senator from Tennessee. It is an amendment authorizing the Secretary of the Interior to make any settlement or adjustment with contractors who may have contracted for matters in connection with the buildings.

Mr. HARRIS. To settle matters of the past?

Mr. ALLISON. Yes. Now, Mr. President, I move, according to promise, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 29 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 28, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 27, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

PUBLIC BUILDING, EASTPORT, ME.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect in relation to the site of the proposed public building at Eastport, Me.; which was referred to the Committee on Public Buildings and Grounds.

WILLIAM J. HEADY.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 9910) increasing the pension of William J. Heady.

The SPEAKER. This is simply a correction in the orthography of the name of the beneficiary of the bill, and if there be no objection the amendment will be concurred in.

There was no objection, and it was so ordered.

ARMY APPROPRIATION BILL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. TOWNSHEND. I ask unanimous consent that the House non-concur in the amendments of the Senate, and that a conference be asked between the two Houses thereon.

Mr. SAYERS. I object.

The SPEAKER. The bill will be referred to the Committee on Military Affairs; and if there be no objection the Senate amendments will be ordered to be printed.

Mr. ROGERS. I hope that will be done.

Mr. TOWNSHEND. I do not think it is necessary, because they have already appeared in the RECORD, and they are so few in number that it is not necessary to go to the expense of having them printed.

Mr. SAYERS. Do I understand the gentleman to say that the amendments are printed in the RECORD?

Mr. TOWNSHEND. They have been printed in the proceedings of the Senate, all of them.

Mr. SAYERS. I ask that they be printed in the proceedings of the House.

Mr. TOWNSHEND. I object to the printing. It is an entirely unnecessary expenditure of the public money.

Mr. ROGERS. Does this require unanimous consent?

The SPEAKER. It does, or a resolution of the House.

Mr. ROGERS. A resolution, or a motion?

The SPEAKER. A motion; but that of course would require unanimous consent. A resolution can be submitted, however, and properly referred.

The Chair will state that bills introduced in the House and reported from the committees of the House are printed, as a matter of course, under the rules. But bills of the Senate and Senate amendments to House bills are not printed unless specially ordered by the House.

Mr. ROGERS. If I may be heard for a moment, I would like to state that we have not of course been able to keep the run of the Senate amendments. Certain amendments have been embodied in this bill involving apparently large expenditures of the public money. I do not think that when the House comes to consider bills of that character, we should undertake the task of legislation, involving such large sums of the public money, without having the printed amendments before us for inspection.

Mr. TOWNSHEND. In reply to what has been stated I will say simply this: that on the first day of next month there will be no funds on hand to pay the Army. It is necessary that this bill should be disposed of as soon as possible in order that means may be furnished to pay the Army.

Mr. ROGERS. We passed a joint resolution for that purpose yesterday.

Mr. TOWNSHEND. The resolution that was passed has not yet been acted upon in the Senate. The Senate has passed the Army bill and sent it to the House with a few amendments, which we can dispose of in a very short time. There is no need for the passage of the resolution if we act promptly upon this bill, and the only request I make of the House is, and I am satisfied the House ought to be willing to grant it, that all these amendments shall be non-concurred in and let an examination of what is proposed by the Senate take place in the conference committee. There they can be disposed of item by item. There is no necessity whatever for having this bill printed with the amendments of the Senate simply to consider the few amendments which have been appended to it.

The SPEAKER. Objection is made to non-concurring, and objection is made to printing the amendments. The bill will be referred to the Committee on Military Affairs.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company of the District of Columbia, with House amendments disagreed to by the Senate, and a conference asked with the House on the disagreeing votes thereon.

The SPEAKER. This bill has reached a condition where it is privileged; and, if there be no objection, the House will agree to the conference asked, and the Chair will appoint the conferees during the day.

Mr. BREWER. I hope that will be done.

There was no objection.

ISSUANCE OF PATENTS, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 1082) to authorize the issuance of patents to certain lands in Arkansas, with House amendments disagreed to by the Senate, and a conference asked thereon.

The SPEAKER. This bill is in the same condition as the preceding bill; and if there be no objection the House will insist upon its amendments and agree to the conference asked thereon.

Mr. ROGERS. I hope there will be no objection to that course.

The SPEAKER announced as the conferees on the said bill, Mr. HOLMAN, Mr. WHEELER, and Mr. PAYSON.

BRIGHTWOOD RAILWAY COMPANY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, with House amendments disagreed to by the Senate.

Mr. BREWER. I ask that the House insist upon its amendments, and agree to the conference asked by the Senate.

The SPEAKER. That is a privileged motion.

The motion was adopted.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House Senate bills; which were read twice, and referred as follows:

The bill (S. 1873) increasing the rate of pension of W. A. Shappee—to the Committee on Invalid Pensions.

The bill (S. 1766) granting a pension to Stephen Butler—to the Committee on Invalid Pensions.

The bill (S. 2050) granting a pension to Mrs. Bridget Hackett—to the Committee on Invalid Pensions.

The bill (S. 2321) granting a pension to John V. Hennessey—to the Committee on Invalid Pensions.

The bill (S. 2490) granting a pension to Nicholas T. Lawrence—to the Committee on Invalid Pensions.

The bill (S. 2514) granting a pension to Michael Shong—to the Committee on Invalid Pensions.

The bill (S. 2626) granting a pension to Catlena Lyman—to the Committee on Invalid Pensions.

The bill (S. 2803) granting an increase of pension to Jacob Logan—to the Committee on Invalid Pensions.

The bill (S. 2836) granting a pension to William E. Taylor—to the Committee on Invalid Pensions.

The bill (S. 2858) granting a pension to William Church—to the Committee on Invalid Pensions.

The bill (S. 2864) granting a pension to James B. Bray—to the Committee on Invalid Pensions.

The bill (S. 2887) granting a pension to George H. Johnson—to the Committee on Invalid Pensions.

The bill (S. 2913) granting a pension to Mary Sturgess—to the Committee on Invalid Pensions.

The bill (S. 2924) to increase the pension of Sterne H. Fowler—to the Committee on Invalid Pensions.

The bill (S. 2939) granting a pension to Margaret E. Adamson—to the Committee on Invalid Pensions.

The bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott—to the Committee on Invalid Pensions.

The bill (S. 1683) granting a pension to Mrs. Jane Flynn—to the Committee on Invalid Pensions.

The bill (S. 2977) granting a pension to Henrietta Brown—to the Committee on Invalid Pensions.

The bill (S. 3013) granting a pension to William Meyer—to the Committee on Invalid Pensions.

The bill (S. 3018) granting an increase of pension to John N. Bovee—to the Committee on Invalid Pensions.

The bill (S. 3030) granting a pension to Mary J. Foster—to the Committee on Invalid Pensions.

The bill (S. 3035) granting a pension to William Shields—to the Committee on Invalid Pensions.

The bill (S. 3052) granting an increase of pension to George W. Durfee—to the Committee on Invalid Pensions.

The bill (S. 3059) granting a pension to Rachel Dixon, mother of James Dixon, deceased—to the Committee on Invalid Pensions.

The bill (S. 3118) for the relief of Matthew O. Reagan—to the Committee on Invalid Pensions.

The bill (S. 3130) granting a pension to Patrick Welch—to the Committee on Invalid Pensions.

The bill (S. 3137) granting a pension to Ruth Ames—to the Committee on Invalid Pensions.

The bill (S. 3141) granting an increase of pension to Jonas Doering—to the Committee on Invalid Pensions.

The bill (S. 3144) granting a pension to Nancy A. Hayes—to the Committee on Invalid Pensions.

The bill (S. 3145) for the relief of the heirs of John M. Powell, deceased—to the Committee on Invalid Pensions.

The bill (S. 3150) granting a pension to William Schoffer—to the Committee on Invalid Pensions.

The bill (S. 3157) granting a pension to Joseph S. Wilson—to the Committee on Invalid Pensions.

The bill (S. 3158) granting a pension to Nancy L. Huffman—to the Committee on Invalid Pensions.

The bill (S. 3166) granting a pension to William F. Pike—to the Committee on Invalid Pensions.

The bill (S. 3175) granting a pension to Mrs. Caroline Taylor—to the Committee on Invalid Pensions.

The bill (S. 3186) granting a pension to Christian Winkel—to the Committee on Invalid Pensions.

The bill (S. 3189) granting a pension to William T. Hutton—to the Committee on Invalid Pensions.

The bill (S. 3197) granting a pension to Abbie L. Ham—to the Committee on Invalid Pensions.

The bill (S. 3198) granting a pension to Mary Murphy—to the Committee on Invalid Pensions.

The bill (S. 3200) granting a pension to Scott S. Hawn—to the Committee on Invalid Pensions.

The bill (S. 3219) to increase the pension of Keyes P. Cool—to the Committee on Invalid Pensions.

The bill (S. 3221) granting a pension to Isaac A. Hawkins—to the Committee on Invalid Pensions.

The bill (S. 3230) granting a pension to Martha J. Cole—to the Committee on Invalid Pensions.

The bill (S. 3241) granting a pension to Esther A. Jackson—to the Committee on Invalid Pensions.

The bill (S. 3255) granting a pension to Mary E. Cottrill, widow of Hugh E. Cottrill—to the Committee on Invalid Pensions.

The bill (S. 3264) granting a pension to Mrs. Ellen Hand—to the Committee on Invalid Pensions.

The bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall—to the Committee on Invalid Pensions.

The bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff—to the Committee on Invalid Pensions.

The bill (S. 3316) granting a pension to Jasper N. Warren—to the Committee on Invalid Pensions.

The bill (S. 3330) for the relief of William H. Thomas—to the Committee on Invalid Pensions.

The bill (S. 3369) granting an increase of pension to Henry Frantz—to the Committee on Invalid Pensions.

The bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing

vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively—to the Committee on Merchant Marine and Fisheries.

MATTIE S. WHITNEY.

The SPEAKER also laid before the House the bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court; which was read twice.

Mr. HOOKER. I ask unanimous consent to take up and pass the bill now. It has been reported from the Court of Claims, and has also passed the Senate.

Mr. HOLMAN. Let the bill be read.

The bill was read for information.

Mr. HOLMAN. I hope the report will be read.

The SPEAKER. This is a Senate bill, and there is no report with it, as it has just reached the House.

Mr. HOOKER. I do not think there is a report from the House committee on this subject, but it is a bill that has long been under consideration by the Court of Claims, and it has been decided favorably by that court and decided upon by the Senate committee and the Senate.

Mr. HOLMAN. There is a report from the Committee on War Claims of the House on that bill.

The report was read for information.

Mr. BURROWS was recognized.

Mr. HOOKER. I hope the gentleman from Michigan will not object to the consideration of this bill. It is a matter which has long been under consideration, and has now been cut down from \$84,000.

Mr. BURROWS. I had simply addressed the Chair. I desire to say to the gentleman from Mississippi that I do not object to the consideration of this matter, but I wish to advise the gentleman from Illinois [Mr. SPRINGER] that it will take a considerable time to dispose of it.

Mr. SPRINGER. Then we shall have a quorum upon it.

Mr. BURROWS. It is a very important case, and I do not think the House should pass upon it until it shall have full time for discussion.

Mr. SPRINGER. I shall object.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. RUSK, until Monday next, on account of important business.

To Mr. GALLINGER, for ten days, on account of important business.

LEAVE TO PRINT.

Mr. DINGLEY. I ask for leave to print in the RECORD some remarks on the bill (H. R. 9051) which passed the House on Saturday.

The SPEAKER. The Chair will state to the gentleman from Maine that general consent has been given to print remarks on that bill, and the Chair is of opinion that that leave extends to the end of the session.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled bills, reported that the committee had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 1312) to provide for a term of court at Quincy, Ill.;

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River in Montana;

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes;

A bill (H. R. 6602) for the relief of James O'Brien;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railroad Company;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River;

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes; and

A bill (H. R. 10538) to authorize the construction of a bridge across the Flint and Chattahoochee Rivers.

ORDER OF BUSINESS.

Mr. MATSON. I ask that by unanimous consent the order for the Friday evening session for the consideration of pension bills on the Private Calendar be so modified that general pension bills may also be considered.

The SPEAKER. The gentleman from Indiana asks that by unanimous consent the order for the Friday evening session be so modified that general pension bills may be considered at the same time. Is there objection?

Mr. FINLEY. I object.

Mr. PARKER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, N. Y.

Mr. STRUBLE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. There is so much confusion on the floor of the House that members can not understand what business is being transacted.

The SPEAKER. The Chair is endeavoring to get order in the House. The Clerk will report the title of the bill, after which the Chair will ask for objection.

The Clerk read the title, as follows:

A bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York; with an amendment.

The SPEAKER. Is there objection?

Mr. HOVEY. I object.

Mr. CHIPMAN. I demand the regular order.

The SPEAKER. The special order this morning is the consideration—

Mr. MCCREARY. I send up a resolution to the Clerk's desk, and desire to have it read and considered at the present time.

The SPEAKER. The gentleman from Michigan [Mr. CHIPMAN] has demanded the regular order.

Mr. CHIPMAN. I withdraw the demand for the regular order for the purpose of permitting this resolution to be considered.

The resolution was read, as follows:

Resolved, That Tuesday, July 31, immediately after the reading of the Journal, be set apart for the consideration of business reported from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the consideration of the resolution just read.

Mr. BURROWS. I have no objection to the consideration of the resolution if the gentleman from Kentucky will modify it so as to designate two days for the consideration of reports from the Committee on Invalid Pensions.

Several MEMBERS. Regular order.

Mr. WILKINS. I move to refer the resolution to the Committee on Rules.

The SPEAKER. Is there objection to the reference of the resolution to the Committee on Rules? The Chair hears none, and it is so ordered.

Several MEMBERS. Regular order.

Mr. TOWNSHEND. What is the regular order?

Mr. BURROWS. Do I understand the gentleman from Kentucky refuses to modify his resolution in the manner I suggested?

The SPEAKER. The gentleman from Kentucky made no response, and two or three gentlemen demand the regular order.

Mr. FINLEY. I withdraw my objection to the consideration of the resolution offered by the gentleman from Indiana [Mr. MATSON].

Mr. TOWNSHEND. Let us have the regular order.

The SPEAKER. The special order for this morning is the consideration of the bill (H. R. 9387) for the relief of Emanuel H. Custer, upon which the previous question has been ordered and an agreement made that there shall be fifteen minutes' debate on each side.

Mr. TOWNSHEND. Does that take precedence of the morning hour?

EMANUEL H. CUSTER.

The SPEAKER. It is the special order of the House, and comes immediately after the reading of the Journal. The Clerk will read the bill.

The Clerk read the bill, 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 Emanuel H. Custer, dependent father of Thomas W. Custer, who was a captain in Company C, Seventh United States Cavalry, subject to the provisions and limitations of pension laws, and pay to him a pension of \$50 a month in lieu of the pension he is now receiving.

The SPEAKER. Under the order thirty minutes are allowed for debate; fifteen minutes in support of the bill and fifteen minutes in opposition to it.

Mr. LANHAM. Mr. Speaker, is it in order to raise the question of consideration upon that bill?

The SPEAKER. It is. It is always in the power of the House to determine whether it will or will not consider a proposition.

Mr. LANHAM. I desire to raise the question of consideration, in order that I may move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. SPRINGER. I rise to a question of order. It is not in order to move to go into Committee of the Whole until after the hour for the call of committees for reports.

The SPEAKER. That is correct.

Mr. SPRINGER. Then the question of consideration could not be raised—

The SPEAKER. The gentleman can raise the question of consideration for any reason. The Chair never states the reason for which a gentleman raises the question. The reason is no part of the motion. The question is, Will the House now proceed to consider this bill?

The question was taken; and the Speaker declared that the ayes seemed to have it.

A division was called for.

Mr. LANHAM. Mr. Speaker, I understand that there is only one of these bills to be presented. I thought this one was to be succeeded by several others, but as there is only one I will not raise the question of consideration against it.

The SPEAKER. The bill is before the House.

Mr. CHIPMAN. Mr. Speaker, the bill which is now before the House for consideration is a bill to increase the pension of Emanuel H. Custer. I do not care to say anything more at present, but will reserve my time; and I now ask for a vote, unless some gentleman desires to be heard in opposition to the bill.

Mr. HOLMAN. I hope the bill and report will be read.

The SPEAKER. The bill has been read. The Clerk will read the report.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9387) for the relief of Emanuel H. Custer, submit the following report:

Emanuel H. Custer is the father of General George Custer, and of Thomas Custer, late of the Seventh United States Cavalry, both of whom, as well as three sons-in-law of Mr. Custer, were killed in the battle of Big Horn.

He is a man of more than eighty years of age and in very reduced circumstances. The committee do not feel that it is necessary to recount the great services of the Custer family during the war of the rebellion in the armies of the Union. Braver and better soldiers never served.

Mr. Custer is now stripped of all support. Those who would have cared for his old age have given their lives for their country.

Your committee recommend the passage of the bill.

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. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

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

Mr. SPRINGER. I think the committees had better be called.

The SPEAKER. The motion of the gentleman from Texas [Mr. LANHAM] is in order, but it requires a vote of two-thirds.

The question was taken, and the motion was not agreed to—two-thirds not having voted in favor thereof.

The SPEAKER. The committees will now be called for reports on private bills and resolutions.

REVOCATION OF WITHDRAWAL OF LANDS.

Mr. HOLMAN, from the Committee on the Public Lands, reported back the bill H. R. 11006 which, on motion of Mr. HOLMAN, was ordered to be printed and recommitted to the Committee on the Public Lands.

ARVAH HOPKINS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3463) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. S. SAUNDERS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5767) for the relief of Harry S. Saunders; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES MILLER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2379) for the relief of James Miller, of Bourbon County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHOLIC CHURCH, MACON CITY, MO.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported the bill (H. R. 11007) for the relief of the Catholic Church at Macon City, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BAUGHMAN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 9872) for the relief of John Baughman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF THOMAS NILES, DECEASED.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 878) for the relief of the estate of Thomas Niles, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTIE S. WHITNEY.

Mr. SPRINGER. Mr. Speaker, in the excitement of the moment I objected a while ago to the consideration of a bill (S. 2185) called up by the gentleman from Mississippi [Mr. HOOKER]. I desire to withdraw my objection.

Mr. HOOKER. I now call up the bill.

The SPEAKER. The bill can not be called up at this time. The regular order has been demanded and insisted upon by several gentlemen; but, if there be no objection, the Chair will withhold the bill and lay it before the House at another time.

Mr. SPRINGER. To-morrow morning.

Mr. HOOKER. Yes; to-morrow morning.

Mr. REED. Mr. Speaker, I do not understand that that gives unanimous consent.

The SPEAKER. Simply unanimous consent to the withholding of the bill. The Chair will recognize the gentleman to object if he desires. The request was that the Chair should withhold the bill for the present.

Mr. REED. Then if it is to be brought up at any other time, unanimous consent will have to be obtained?

The SPEAKER. Of course. The bill will be presented again just as if it had never been presented to the House.

MILITARY APPROPRIATION BILL.

Mr. TOWNSHEND. The Committee on Military Affairs have directed me to report back the Army appropriation bill with the Senate amendments.

Mr. SAYERS. I desire to be informed by the Chair whether it is proper at this time to reserve points of order upon those amendments.

The SPEAKER. It is; and the bill must go to the Committee of the Whole on the state of the Union, except by unanimous consent.

Mr. SAYERS. I reserve all points of order.

Mr. ROGERS. I want the bill to go to the Calendar.

The SPEAKER. The bill, except by unanimous consent, must go to the Committee of the Whole on the state of the Union, and will be on the Calendar of that committee.

Mr. TOWNSHEND. Will the gentleman from Arkansas [Mr. ROGERS] wait until the title of the bill is read?

Mr. ROGERS. "The gentleman from Arkansas" will govern himself as he pleases.

Mr. TOWNSHEND. I object to the gentleman making any motion at this time, before the title of the bill has been read.

The SPEAKER. The gentleman has made no motion; no motion is required. The rules govern the disposition of the bill.

Mr. TOWNSHEND. I thought the gentleman moved to send the bill to the Calendar.

The SPEAKER. The rules of the House send the bill to the Committee of the Whole on the state of the Union. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER. This bill, with the amendments of the Senate, will be referred to the Committee of the Whole on the state of the Union, and, under the rules, will be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order until the House has dispensed with private business. This day is set apart for the consideration of private bills unless that order be dispensed with by a vote of the House.

Mr. TOWNSHEND. I move, then, to dispense with the consideration of private business for to-day.

The SPEAKER (having put the question on the motion of Mr. TOWNSHEND). The yeas appear to have it.

Mr. TOWNSHEND. I call for a division.

Mr. SPRINGER. If this motion should be voted down, Mr. Speaker, will it be in order at a subsequent part of the day to make a similar motion?

The SPEAKER. The Chair does not understand the gentleman. The House will come to order.

Mr. SPRINGER. As I understand, this motion is made for the purpose of enabling the Committee on Military Affairs to have the Army appropriation bill considered in Committee of the Whole. If this motion should be voted down, would it be in order to renew the motion with a view to the consideration of other business?

The SPEAKER. The Chair supposes it would be in order during the remainder of the time the House is in session to-day, to move to dispense with private business.

The question being again taken on the motion of Mr. TOWNSHEND to dispense with the consideration of private business for to-day, there were—ayes 33, noes 69.

Mr. TOWNSHEND. I call for the yeas and nays, and will state that my object in making this motion is to have the Army appropriation bill considered in Committee of the Whole.

The yeas and nays were not ordered, only 15 voting in favor thereof; so the motion of Mr. TOWNSHEND was disagreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Texas [Mr. LANHAM] that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar.

Mr. SPINOLA. In the event of the motion of the gentleman from Illinois [Mr. TOWNSHEND] prevailing, would the Army appropriation bill—

The SPEAKER. The motion has not prevailed; the House has voted it down.

Mr. SPINOLA. I only wanted to know whether the Army appropriation bill would be taken up in case the motion of the gentleman from Illinois prevailed.

The SPEAKER. The motion of the gentleman from Illinois was simply to dispense with the consideration of private business for to-day. Whether the Army bill would be taken up or not is another matter.

Mr. TOWNSHEND. As the House seems desirous to go on with private business, I presume it is useless to press further at this time the consideration of the Army appropriation bill.

Mr. SPRINGER. If the House should now refuse to go into Committee of the Whole House on the Private Calendar, would it be in order to move to go into Committee of the Whole on the state of the Union for the purpose of considering the Oklahoma bill?

The SPEAKER. It would not; the motion as the gentleman states it would not be in order at any time.

Mr. SPRINGER. Would not the motion to go into Committee of the Whole generally, with the view of taking up the Oklahoma bill, be in order?

The SPEAKER. It would; but a motion to go into Committee of the Whole for the consideration of appropriation bills would have precedence.

The motion of Mr. LANHAM was agreed to—ayes 78, noes 30.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the first bill on the Private Calendar.

Mr. LANHAM. If I can have attention, I would like to make a brief statement. I wish to ask unanimous consent that we may now proceed with the consideration of bills on the Private Calendar which have been reported from the Committee on Claims, and to the consideration of which there may be no objection.

Mr. NELSON. I object, if the request is limited to bills reported by the Committee on Claims.

Mr. LANHAM. If the order I have suggested could be adopted it would accommodate a vast number of members. As is well known, a number of reports from the Committee on War Claims are at the head of the Calendar. Those claims have provoked, and doubtless will continue to provoke, a great deal of discussion; so that if we proceed regularly with the Calendar no practical result may be accomplished so far as legislation is concerned.

Mr. NELSON. Will the gentleman modify his motion so as to consider all bills unobjected to except bills reported from the Committee on War Claims?

Mr. LANHAM. I simply asked consent of the Committee of the Whole that we take up in regular order bills reported from the Committee on Claims to the consideration of which there may be no objection. I believe if this order can be agreed to we shall be able to pass a great many unobjectionable bills.

Mr. NELSON. I object, unless the gentleman will modify his motion so as to include all bills on the Private Calendar except those reported from the Committee on War Claims.

The CHAIRMAN. The gentleman from Minnesota [Mr. NELSON], as the Chair understands, asks consent to modify the request of the gentleman from Texas, so that the Committee of the Whole may proceed with the consideration in regular order of all bills on the Private

Calendar to which there is no objection, except bills reported by the Committee on War Claims.

Several members objected.

Mr. HEARD. I object to that modification for this reason— [Cries of "Regular order!"] I object to any discrimination against or in favor of the business of any particular committee. I think bills reported from the various committees of the House should be considered in their order, regardless of the committee from which they may come.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] is entitled to the floor, and he will proceed.

Mr. NELSON. I wish to say something in which, perhaps, the gentleman from Texas will be interested.

Mr. LANHAM. What is it?

Mr. NELSON. Now, in consideration of my desire to continue to be a good-natured man, I will withdraw my objection to the request of the gentleman from Texas.

Mr. HEARD. I object to the exception of any claim upon any calendar, for one objection will carry over any claim, so that our time need not be wasted.

Several MEMBERS. Regular order.

SAMUEL NOBLE.

The CHAIRMAN. The regular order is demanded, and the committee will proceed to the consideration of the unfinished business, which is the bill (H. R. 53) for the relief of Samuel Noble. At the time the committee rose a motion was pending that the bill be laid aside with the recommendation that the enacting clause be stricken out. On that motion the point of no quorum was made.

Mr. FORNEY. I ask, by unanimous consent, that the further consideration of that bill be postponed and allowed to retain its place upon the Calendar, in view of the fact that my colleague [Mr. OATES] is not present in the city, but absent in attendance on the Immigration Committee in the city of New York.

Mr. KELLEY. To what period does the gentleman propose to postpone the further consideration of the bill?

Mr. FORNEY. Until my colleague returns from New York.

There was no objection, and it was ordered accordingly.

PEREZ DICKINSON.

The CHAIRMAN. The committee now resumes the consideration of the bill (H. R. 9872) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson.

Mr. HOUK. That bill has been discussed already. I move to substitute the Senate bill for the House bill.

The CHAIRMAN. That has been done already.

Mr. LANHAM. That bill has already been partially considered in the Committee of the Whole House, and there being no objection, I move that the Senate bill 94 be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Chair is informed that there was an amendment moved by the gentleman from Indiana [Mr. HOLMAN] to the Senate bill. If there be no objection House bill 9872 (Forty-ninth Congress, first session) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, and House bill 6346 (Fiftieth Congress, first session) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson, will be reported to the House with the recommendation that they be laid on the table.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The title of the Senate bill will be read.

The Clerk read as follows:

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

The CHAIRMAN. The Chair is informed there is an amendment pending, moved by the gentleman from Indiana [Mr. HOLMAN], which will be read by the Clerk.

The Clerk read as follows:

Add to the end of the bill: "Provided, however, That before said money shall be paid it shall be proven to the satisfaction of the Secretary of the Treasury that proceeds of said cotton to the amount above named were covered into the Treasury or accounted for by the proper officer; but the sum paid to said Perez Dickinson shall not exceed the sum so paid into the Treasury or accounted for."

Mr. HOUK. Was not that amendment voted down?

The CHAIRMAN. The Chair is desirous of understanding the status of this bill. There seems to be some question as to whether this amendment was adopted or rejected.

Mr. HOUK. The Senate bill was taken up in lieu of the House bills.

The CHAIRMAN. The Senate bill is now considered as pending before the committee, the House bills having been laid aside to be reported to the House with the recommendation that they do lie upon the table.

Mr. HOUK. The amendment was voted down, as I understand.

The CHAIRMAN. No; the Chair is advised by the Clerk that the amendment is pending.

Mr. HOUK. I want to say one word. If this claim is not to be paid, then the United States ought to give notice that it does not in-

tend to pay anybody. Of course, the adoption of the pending amendment is simply to avoid the payment of the claim, and I ask gentlemen to vote it down.

Mr. WARNER. Why?

Mr. HOUK. Because this claim ought to be paid. It is a just claim. It has been favorably reported from the Court of Claims. If this House is not going to pay claims of a just character, it ought to say so, and we ought to understand the matter from the beginning. If we do not pay such just claims, then I am in favor of going into the wholesale repudiation and stop the payment of bonds and everything else, for one is founded in justice and fair dealing just as much as the other is.

Mr. ANDERSON, of Kansas. I am not able to recall the features of this case, and I hope the gentleman will state just exactly what they are.

Mr. HOUK. When General Longstreet besieged Knoxville, General Burnside received a certain number of bales of cotton for use in the defense of that city. They were promised to be returned, but they never were returned to the owner. General Burnside testified to that fact, and all the line of officials have testified in the same way. The Court of Claims found the facts as alleged.

Mr. ANDERSON, of Kansas. What is the amount of the claim?

Mr. HOUK. Ninety-six thousand dollars, a big sum; but he is entitled to it. He is a brave man, who accepted a decree of banishment from his home when threatened with an order to send him through the lines. In response to the Confederate judge he said he had come to East Tennessee when a young man; he had made his money there; had buried his wife and only child there; but he would abandon all, even the graves of his kindred, rather than take an oath in opposition to his country, rather than take an oath to support the Southern Confederacy; and if the Republicans upon this floor are going to repudiate the just debts of the Government to such men it is about time we should know it.

Mr. WARNER. As I recollect, this cotton was taken for the purpose of constructing breastworks.

Mr. HOUK. Yes, sir; the gentleman is correct; for the purpose of constructing breastworks at Fort Saunders and other places in the defense of the city. The cotton, which saved the city and the Army of the United States, was never returned to the owner.

Mr. WARNER. As I remember, a part of it was also used for our sick and wounded soldiers in the hospitals.

Mr. HOUK. Yes, sir; part of it was used in the deaf and dumb asylum building, which was then used as a hospital, in making beds for the wounded, the sick, and dying soldiers of the Union.

Mr. ANDERSON, of Kansas. I understand the Court of Claims have examined this case.

Mr. HOUK. They have; and they found the facts, the amount, the loyalty, and everything in favor of the claimant.

Mr. KELLEY. Who is the "Mr. Burnside" of whom you speak?

Mr. HOUK. I refer to General A. E. Burnside.

Mr. KELLEY. Then why do not you speak of "General" Burnside, so we may understand who you mean?

Mr. HOUK. I supposed that everybody knew that General Burnside was in command of Knoxville when Longstreet laid siege to that city.

Mr. KELLEY. Yes; but I did not know but that you meant some claimant to the cotton.

Mr. HOUK. No; I refer to General Burnside.

Mr. Chairman, I hope the committee will vote down the amendment.

Mr. HOLMAN. I ask that this amendment be again reported.

The amendment was again read.

Mr. HOLMAN. I wish to inquire what is the amount named in the bill? I have forgotten the exact sum.

The CHAIRMAN. The Clerk will report the amount.

The Clerk read as follows:

The Senate bill proposes \$96,192. The amendment proposed is to strike out that sum and insert \$86,883.50.

Mr. HOLMAN. It seems to me, Mr. Chairman, upon the facts cited in the report, and which came to light during the progress of the discussion on the bill, that it would be entirely proper to pay this claimant the sum of money which was actually turned into the Government Treasury by reason of the taking possession on the part of the Government of the property in question. That, I think, is all right and ought to be paid. Whatever sum was realized from the sale of the cotton belonging to the party should be paid. His loyalty is established, I think, beyond question.

Mr. WARNER. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. WARNER. When this case was up some time ago I took part in the discussion of it and have some recollection of the facts. I would like to ask the gentleman, however, if it is not true that the amendment he suggests, if adopted, would have the effect of paying this claimant nothing whatever? I wish to ask a further question: If this cotton, or a part of it at least, was not taken down to the railway adjoining the depot and there some children playing around set fire to the cotton and destroyed it?

Mr. HOLMAN. That applied to but a portion of it. I think you will find that it was finally traced into the Treasury.

Up to this time it has not been our policy to pay for property destroyed as an incident to military operations during the war. Indeed, in the general bill referring claims of this character to the Court of Claims for a finding and report we have carefully provided that incidents of war, spoiliations by the Army or Navy, and property destroyed in the necessary progress of the war shall not be subject even to examination. Jurisdiction is not conferred upon the court to inquire into the facts in such cases. It seems to me that the destruction of property incident to war can not be well provided for; and that if we go to the extent of providing payment to this claimant for the amount of his property actually turned into the Treasury we are doing all that justice requires.

Mr. JOHNSTON, of Indiana. I move to strike out the last word.

I know something about the history of this case from the fact that I was at Knoxville myself at the time mentioned, and I have examined this claim with a good deal of care as a member of the Committee on War Claims. My understanding of the facts are that this cotton was taken to build fortifications at the city of Knoxville, Tenn., and as the gentleman from Tennessee [Mr. HOUK] well says, its use for that purpose doubtless saved the city from capture. After the Government was through with the cotton the owners demanded possession of it and that it should be turned back again. Had the Government done that it would have ended the liability of the Government. But as a matter of fact the officers in charge at that point refused to return the property to the claimant, but sought to convert it to the use of the Government. Afterwards it was destroyed by fire.

Mr. HOUK. A part of it was destroyed by fire and a portion of it was used in the hospitals at Knoxville.

Mr. JOHNSTON, of Indiana. Yes; part of it was destroyed by fire and part used as the gentleman from Tennessee suggests. When the Government refused to turn the property back after they got through using it for the purpose to which it was originally applied, and for which it was taken, it became liable under every principle of equity and justice for the value of the cotton so taken; and particularly so when the amount found due, as in this case, is to be paid to a confessedly loyal citizen, to a man who suffered banishment for his loyalty to the Government rather than take the oath of allegiance to the Confederacy.

Now, I understand the amendment of the gentleman from Indiana proposes to cut out and to exclude from payment all of the cotton the proceeds of which do not appear to have been turned into the Treasury. It would exclude the payment of every dollar of the Government's liability, unless it is found that the money was actually turned into the Treasury. I claim, sir, that the man who owned that cotton is in no manner responsible for the action of the officers, whether they turned the money into the Treasury or used it in any other way. I claim that after having taken possession of his property, if they failed to do their duty and failed to account to the Treasury for the property that he lost, that under all of the principles of equity and justice the Government should come to his relief and pay for his losses.

Mr. BUTLER. Mr. Chairman, as the gentleman from Indiana has said, I can also say that I was myself present at the siege of Knoxville, and I know all about this case, and, as my colleague [Mr. HOUK] has so well said, if this claim is not paid no claim ever ought to be paid.

Now, Mr. Chairman, what are the facts? This cotton was taken from a citizen who was as loyal as Abe Lincoln, who suffered banishment, as my colleague has said, rather than take the oath to the Confederacy. When the siege was raised and Longstreet retreated he went and asked that the cotton be returned to him. It had served the purpose for which it was taken. They said, "Oh, no, we will take it and ship it to Louisville, and when the proceeds reach the Treasury Department you can have them."

What became of that cotton? Here is the report of the War Claims Committee of the Senate upon it:

The cotton was taken by General Burnside November 25, 1863, but the order of General Schofield to gather it up from the fortifications was not issued until February 26, 1864. Nearly four months elapsed from the first taking before this order was fully executed. The waste in the meanwhile was found to be large. Of the 313 bales originally taken from all the citizens, only 218 bales were saved. What became of the 95 bales of deficiency does not definitely appear. Some had been taken by the soldiers to fill their bunks; some used to calk pontoons; some lost by pillages and much worn out and used up in the works.

Of the 218 bales recovered, 40 were used by the medical department, 158 stored by the quartermaster near the railroad depot, awaiting shipment, were accidentally set on fire by boys playing in its vicinity, and all, with the exception of about 20 bales, consumed. Twenty bales were shipped to the chief quartermaster at Louisville. What became of the other 20 bales does not appear.

Now, that is what became of that cotton. Here was a loyal citizen whose property was taken to save the Government, and when he asked that it be returned they refused. It is said that the proceeds of perhaps 20 bales have reached the Treasury Department, and if this amendment is adopted and they could prove that 20 bales had reached there, that is all this citizen will get for his cotton. Is it right, is it just, is it honest? I can not see upon what ground any gentleman on this floor would think it just, right, or even honest to take this property and use it without paying for it under these circumstances. Here is General Burnside's statement, here is his receipt for the cotton taken. I can say that there never has been a claim before the Congress of the

United States that had merit superior to this claim. There is no doubt, there is no controversy, there is no uncertainty. Every allegation—his loyalty, his property, everything—is proven beyond a single question, and why this claim should be turned away without being paid I can not see.

Mr. HOUK. And only the amount the cotton would sell for at that time.

Mr. BUTLER. Here is the report by the commissioner appointed by the commander-in-chief to ascertain fully the amount, and every other fact, and they are all set forth here in this report, so that there can be no controversy or any doubt at all on the part of this House. Mr. Dickinson was a loyal man, and suffered banishment more than twenty years ago for his loyalty, and yet the Government refuses to pay him for his property. I certainly believe that this bill ought to be passed and that this claimant should be paid for that property taken.

Mr. LYMAN. Mr. Speaker, I rise to make a parliamentary inquiry. I desire to understand fully what this amendment is. Do I understand that it reduces the amount to \$60,000?

The SPEAKER *pro tempore*. That has been adopted.

Mr. LYMAN. Then the bill ought to pass as it is.

The SPEAKER *pro tempore*. If there be no objection, the formal amendment will be withdrawn.

Mr. CUTCHEON. I will renew it. I do not know anything about Mr. Dickinson, the claimant in the case, but I do happen to know something about this cotton. At the time this cotton was used in the defense of Knoxville I happened to command a Michigan regiment in the works. I remember very well that this cotton was brought up to the works, and we crowned the parapets of all the principal works around the city, and especially Fort Saunders, which was the key to the position, with these cotton bales. I know the work we did with that cotton, and I know it very materially contributed to the saving of East Tennessee to the Union and to the shortening of the war. General Burnside, with the Ninth and Twenty-third Army Corps, had marched into East Tennessee through Cumberland Gap, and he had seated himself upon that vital connection between Tennessee and Virginia, the railroad connecting those two States. We had divided the Confederacy. We had cut off the head at Richmond from the body in the Southwest, and it was absolutely necessary that the East Tennessee railroad should be recovered, as it was the only railroad they had except that east of the mountains. General Longstreet was detached from the main army at Chattanooga and with fourteen or fifteen thousand men sent to try and get us off the railroad. We fell back into Knoxville and threw up hasty works. Somebody's cotton bales were brought from somewhere, and with them we crowned the parapets of all the principal works; and when the assault came, on the 29th of November, 1863, our little band, comparatively speaking, behind these cotton bales, drove back Longstreet's veterans that had swept away Sickles at Gettysburgh in the July before. And I want to say to the gentlemen of this House that if these were Mr. Dickinson's bales, that Mr. Dickinson's cotton bales had a great deal to do with the salvation of Knoxville and the whole of East Tennessee. They did good service there. A good many of them were knocked to pieces with shot and shell there in that assault on the morning of the 29th of November, a good many of them, to my personal knowledge, were left blood-stained there that morning, and if those were the cotton bales of this claimant, as I am assured by the gentleman from Tennessee, Colonel HOUK, they were—

Mr. HOUK. They have been thoroughly identified.

Mr. CUTCHEON. If those were the cotton bales of this claimant, then the United States of America could well afford to pay a million dollars for them and not pay more than they were worth to the Government of this Union on that occasion. [Applause.] I hope this bill will be passed.

Mr. LANHAM. I trust we shall now have a vote upon this bill.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be regarded as withdrawn, and the question will be taken on the motion of the gentleman from Indiana [Mr. HOLMAN].

The question was taken; and the Chairman declared that the noes seemed to have it.

Mr. HOLMAN. I ask for a division.

The committee divided; and there were—ayes 8, noes 80.

So the amendment was rejected.

Mr. HOLMAN. Inasmuch as the opinion of the House seems to be so strongly in favor of this measure, I will not make the point of no quorum, but otherwise I would do so.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. LANHAM. I rise to a parliamentary inquiry. When this bill was last under consideration I offered an amendment reducing the amount.

The CHAIRMAN. That amendment has been adopted.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOUK. Mr. Chairman, we have had a great deal of trouble with this Perez Dickinson claim, and I now move that the committee rise and report the bill to the House, in order that we may pass it and be done with it. [Laughter.]

Mr. LANHAM. I hope the gentleman will not insist on that motion. We will endeavor to have the committee rise in ample time for the passage of these bills.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. HOUK] insist on his motion?

Mr. HOUK. Not if there is objection; but I think that would be a proper and legitimate way to dispose of this case at this time.

Mr. LANHAM. I will make no objection to the gentleman's motion.

Mr. HOUK. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9872) for the relief of Perez Dickinson, and had directed him to report it back with the recommendation that it be laid on the table; also that the committee had substituted for the House bill a bill (S. 94) for the relief of Perez Dickinson, and had directed him to report it to the House with the recommendation that it do pass with an amendment.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading.

The SPEAKER. The question is on the passage of this bill.

Mr. HOLMAN. On that I call for a division.

The House divided; and there were—ayes 71, noes 7.

Mr. McSHANE. No quorum.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint the gentleman from Tennessee [Mr. HOUK] and the gentleman from Nebraska [Mr. McSHANE] to act as tellers.

Mr. McSHANE. I withdraw the point of no quorum.

The bill was read the third time, and passed.

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

The latter motion was agreed to.

The House bill (H. R. 9872) was laid on the table.

ORDER OF BUSINESS.

Mr. LANHAM. I now move that the House resolve itself into Committee of the Whole House for the further consideration of bills upon the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, and Mr. DOCKERY resumed the chair.

The CHAIRMAN. The House is now in Committee of the Whole upon the Private Calendar. The Clerk will report the first bill.

The bill was read, as follows:

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John De Bree, executor of Margaret T. Higgins, the sum of \$3,236.66, the same being in full for and final discharge of the claim examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of Congress approved March 3, 1883, commonly called the Bowman act.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I suggest that the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, beg leave to report as follows:

The bill provides for the payment of \$3,236.66 for the use of a certain warehouse and wharf, belonging to Mrs. Higgins, in the city of Norfolk, Va. This claim was transmitted to the Court of Claims by the Committee on War Claims of the Forty-eighth Congress under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The said claim was returned by the Court of Claims to the Committee on War Claims of the Forty-ninth Congress with findings of fact by the court, which show among other things that the claimant was loyal, that her warehouse and wharf after the occupation of the city of Norfolk by the Federal forces in 1862 were seized by Capt. Edwin Ludlow, assistant quartermaster United States Army, as a military necessity, were occupied for two years, eight months, and eleven days, and that \$1,200 a year would be a fair compensation for the premises. In accordance with the findings of fact by the Court of Claims the Committee on War Claims of the Forty-ninth Congress reported House bill No. 10798, providing for the payment of the amount found to be due, to wit, \$3,236.66.

Your committee therefore report back the bill which has been referred to them and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, the bill (H. R. 1798, Forty-ninth Congress) will be reported to the House with the recommendation that it lie on the table.

There was no objection.

WILLIAM J. POITEVENT.

The next business on the Private Calendar was the bill (H. R. 26) for the relief of William J. Poitevent.

The bill was read.

Mr. LANHAM. Unless the consideration of this bill is called for

by some gentleman, I ask that it be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. In the absence of objection that order will be made. The Chair hears no objection.

HIRAM JOHNSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 1028) for the relief of Hiram Johnson and others.

Mr. LANHAM. I make the same request in regard to this bill that I made in regard to the one last read.

Mr. ENLOE. I ask for the consideration of this bill.

The bill was read. As amended by the Committee on War Claims, it is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, \$659.86.
 To Stephen M. Johnson, \$659.86.
 To D. J. Franklin, \$130.48.
 To Josiah Franklin, \$156.60.
 To Nat Buckley, \$261.20.
 To John Tull, \$313.49.
 To Elias Bray, \$391.92.
 To Dr. G. Johnson, \$156.60.
 To Harrison Trice, \$261.20.
 To Jeremiah Crook, sr., \$522.41.
 To Willis Arnold, \$5,213.89.
 To Arch McCorkle, \$391.92.
 To G. L. Ross, \$1,306.91.
 To S. L. Ross, \$1,306.91.
 To John M. Hart, \$522.41.
 To William A. Brummer, \$801.60.
 To John D. Smith, \$261.20.
 To A. B. Crook, \$261.20.
 To Daniel McCollum, \$261.20.
 To Jeff Jones, \$130.48.
 To Thomas McGill, \$156.61.
 To James Ledbetter, \$156.61.
 To William Ozier, \$522.41.
 To Elijah Bond, \$261.20.
 To John L. Cawthon, \$522.41.
 To William Hall, \$522.41.
 To Carroll Beaver, \$522.41.
 To John West, \$659.86.
 To James Clifford, \$261.20.
 To O. F. Hendrix, \$784.04.
 To Frank Cawthon, \$313.49.
 To James Cawthon, \$130.49.
 To S. E. Grider, \$130.49.
 To Silas Grider, \$130.49.
 To John Robinson, \$240.34.
 To Hugh McKnight, \$200.25.
 To John G. Smith, \$79.96.
 To Caleb McKnight, \$200.25.
 To James Thomas, \$200.25.
 To William P. Walker, \$120.06.
 To A. S. Rogers, \$341.55.
 To Tison G. Maness, \$561.02.
 To William H. Bond, \$120.06.
 To F. M. Ballard, \$240.04.
 To Stephen Messengill, \$120.06.
 To William Swink, \$440.80.
 To Keton M. Jones, \$361.15. In all, \$22,271.26.

The amendments reported by the Committee on War Claims changing the amounts in various cases, so as to pay to the claimants the amounts as given in the foregoing bill, were read:

Mr. ENLOE. If the reading of the report is desired by any one, I would be glad to have it read now.

Mr. ROWELL. I desire to make some remarks on this bill. The report can be read afterward, unless the gentleman from Tennessee [Mr. ENLOE] wants to proceed with his remarks now.

Mr. ENLOE. I will wait until the gentleman from Illinois [Mr. ROWELL] has spoken.

Mr. THOMAS, of Wisconsin. I would like a chance to say a few words on this subject.

Mr. ENLOE. How much time do gentlemen on the other side desire to occupy?

Mr. ROWELL. I shall not want much time.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. ROWELL] for one hour.

Mr. ROWELL. Mr. Chairman, this bill marks a new departure in the way of paying war claims. Colonel Haynie, when commanding at Henderson, West Tennessee, adopted as a method of preventing injury to the property of the United States and of citizens, the making of assessments, when injury was done, upon the rebel citizens thereabout, and collecting those assessments to the full amount of the injury. This was a policy adopted by different commanders in West Tennessee. Some required citizens in neighborhoods where guerrillas were in the habit of doing damage, to give bonds of indemnity against any such damage; others adopted the policy of assessment upon the active rebel sympathizers in the vicinity. Damage to the extent of some \$25,000 was done in the neighborhood of Henderson; and Colonel Haynie assessed and collected that sum of money, appointing a commission to find out the total amount of damage, the ability of persons to pay, and the character of the people upon whom assessments were made.

That sum of money was collected. Some \$5,000 of it was for damage to United States property, and about \$20,000 for damage to indi-

vidual property. The money was covered into the Treasury of the United States. Every cent of it was assessed according to the laws of war, according to the rights of the people of the United States, and against men actively in sympathy with or aiding the cause of the enemy.

Subsequently—and here is a strange remissness on the part of the Committee on War Claims—subsequently, by act of Congress, between \$9,000 and \$10,000 of this money was paid out of the Treasury to certain parties whose property had been destroyed, leaving, besides the \$5,000 going to the United States, \$10,000 or \$12,000 of that money remaining in the Treasury. That fact has not been stated in this report. The Committee on War Claims, in bringing in their report, have neglected to inform this House that by the deliberate act of Congress nearly \$10,000 of this money has already been paid to parties for whose benefit it was assessed, and is now not in the Treasury. But the committee has reported a bill not simply to pay the balance of the money remaining in the Treasury, but to pay to these men who were engaged in hostilities against the United States, or who were in sympathy with those who were so engaged, not alone the money remaining, but all the money that was collected, except the \$5,000 collected for the benefit of the United States.

In the Forty-eighth Congress the Committee on War Claims, by a unanimous vote, reported in favor of repaying the remaining money to the parties for whose benefit it was assessed, and by an equally unanimous vote reported against a bill of this character except that it was then only proposed to pay the balance of money remaining in the Treasury.

Now, what is this bill? It is a bill to reverse the action of the authorities of the United States in command. It is a bill to pay back to rebel sympathizers something taken by lawful authority from them in pursuance of the business which they had in hand to overthrow the rebellion.

Now, if this money is to be paid back there is no single item of damage arising out of the war and incurred for the purpose of putting down the rebellion that ought not also to be paid back. Not a single item. Wherever a marching army levied contributions, wherever a marching army camped, wherever a marching army seized upon property contraband of war there ought to be payment made to the owners thereof in principle if this money ought to be paid back.

As a member of the committee in the Forty-eighth Congress, over which Judge Geddes presided, I joined in the report in favor of paying this money to the parties injured and for whom it was assessed. I had some personal experience myself in this section of country in adopting a different plan for the purpose of saving the railroad bridges from destruction by guerrilla bands, whereby prominent people in the neighborhood were put under bond. But in this case the damages were assessed and collected. The only mistake made by the military authorities was in not paying it to the parties injured and for whose benefit the money was collected. It was covered into the Treasury of the United States and there was no way of getting it out except by legislation of Congress.

Here is a proposition, Mr. Chairman, to reverse the action of former Congresses. Here is a proposition to pay money collected in furtherance of the purpose of the Union Army in order to compensate Union men for injuries done to them. Here is a proposition to pay back this money so collected and assessed, because of injury done by these guerrilla bands, and collected and assessed in pursuance of war authority.

I want this House and country to know, before they vote this money out of the Treasury of the United States, that they are voting in fact to pay every war claim which may be presented to the House. The collection of this money stands on higher authority than the seizure of supplies. It was done deliberately; it was done after the appointment of a commission; it was done in pursuance of authority recognized by all nationalities engaged in war; it was done as a war measure; it was done by the Union forces for the purpose of putting down the rebellion; it was done to protect from depredation this section of country where there was no rebel army, and where nobody entered except in pursuance of a raid or by the boys coming home from the South in the guise of citizens getting together, and while getting ready to go back to the army rushing into a town and committing depredations. It was made necessary to assess these damages for the purpose of guarding property from attack in this section of country, so that the troops might go to the front. It was an effective remedy. It ended that sort of raiding. It relieved the soldiers from that duty and enabled them to be put upon active duty at the front.

Now, in the Fiftieth Congress we are asked to overturn that action. We are asked to declare that the action of the Army in pursuance of its legitimate purpose is to be reversed, and these people are to be compensated for the moneys they were compelled to pay as a penalty for the injury they inflicted upon the property of Union people. For one I protest. If this policy is to be adopted then I say we ought to pay everybody. Let down the gates, unlock the Treasury, pay for every bale of cotton, pay for every ear of corn, aye, let us go further and pay for every liberated slave, for the rent of every church and school-house occupied by a passing army; pay for every claim and all the claims which may be set up by those who were in the armies in

rebellion against the country, because there is no difference between one and the other.

I do not care to pursue the matter further, and will yield the floor to the gentleman from Wisconsin [Mr. THOMAS].

Mr. THOMAS, of Wisconsin. Mr. Chairman, the facts as I understand them, and as they are set out in this report, are not disputed. At the time mentioned in the report, during the earlier period of the war, there was a raid made upon the town of Henderson by some young men, as I understand it, belonging to families who sympathized with the rebellion—

Mr. PAYSON. Will the gentleman mention in what State this was?

Mr. THOMAS, of Wisconsin. In East Tennessee.

Mr. WASHINGTON. West Tennessee.

Mr. THOMAS, of Wisconsin. Yes, West Tennessee. The property of the Government, consisting of cotton and military stores to the extent of between five and six thousand dollars, was destroyed in this raid, as well as the property of certain loyal citizens selected by the raiders, which amounted, together with the amount of what the Government lost, to \$26,751.36.

General Haynie, in command of the troops of that neighborhood, appointed a commission and authorized the commission to assess upon the disloyal inhabitants of that neighborhood, who were supposed to be implicated in this raid, an amount equal to the value of their property to cover the amount thus destroyed, which assessment was made and was confirmed by General Sullivan, in command of that department. The money so assessed was collected and paid over into the hands of General Sullivan, and afterwards it was paid by him into the Treasury of the United States.

Now, sir, this report of the committee admits the authority of General Haynie and of General Sullivan to make the assessment. They admit that it was made in accordance with the laws of war, and that it was a valid legal charge upon the property of the enemies of the country in that neighborhood; and the excuse now presented is that General Grant, then in command of the armies of the United States in the West, directed that this money should go back to the men from whom it was taken. There is a dispute in connection with that allegation of fact. I admit, if it was so, that this money ought to be paid back, in accordance with the report of the committee. But, sir, we have here the report of the Committee on War Claims of the Forty-eighth Congress, to which I desire to direct your attention. That committee had all the papers before them, and the chairman of the committee, the majority of the committee being Democrats, has put upon the record what they then found, and I take it that it is entitled to some consideration. Mr. Geddes, the chairman of the committee, says:

If the facts stated were actually established by the papers on file and the testimony before the present committee—

That is, that General Grant had made this order—

it would most likely concur with the reasoning and conclusions of its predecessor. But this committee do not find these facts established by the testimony presented for their consideration. On the contrary, there is nothing in the present record to authorize the assumption that "the levying and collecting these assessments was supposed to be under and in execution of an order of General Grant."

On the contrary, it was under an order of General Haynie, sanctioned by General Sullivan. The papers filed did not show that General Grant ever issued an order having special and direct reference to these several proceedings in that he desired this money should be turned over to the parties from whom it was taken. The testimony shows that the proceeding originated with General Haynie.

It is true the superior officers of Haynie and Sullivan could have revoked or countermanded their orders; but this was not done, as assumed in the reports heretofore made on this claim.

And so it is assumed in the report now before us. And now the chairman of the committee making this report proceeds to show this fact, which is not contained in the report of the committee now before us. Probably, Mr. Chairman, it is not so contained because they did not have the papers; but they ought to have taken for granted something that was put into the report of the prior committee of the Forty-eighth Congress and called the attention of the House to it. They could have referred to it in some way and given us an opportunity of gathering the facts in the case. This report proceeds:

It will be remembered that on the 23d of January, 1863, he (General Grant) directed this money to be accounted to the Provost-Marshal-General, and we find a letter on file in the case of Willis N. Arnold, now before this committee—

That is another case—

and whose bill is being considered in conjunction with the present bill for the relief of Hiram Johnson and others. This letter bears date "Washington, D. C., June 26, 1866," and was written by General Adam Badeau, then on General Grant's staff. It was at a period much nearer the time these military proceedings were had, and must be taken as a correct interpretation of the whole proceeding on the part of General Grant and his subordinates. It is in reply to Willis N. Arnold, who had called on him for aid in his case, which is now before Congress. The full text of that letter is as follows:

"In reply to your communication of June 11, addressed to Lieutenant-General Grant, and requesting that you, as a loyal citizen, might be remunerated for losses sustained by you at the burning of Henderson, Tenn., General Grant directs me to inform you that an assessment was made by General Sullivan, by his orders, upon the property of disloyal citizens for the purpose of remunerating the sufferers at Henderson, and that since General Sullivan has been mustered out of the service he has informed General Grant that a certain amount of such assessment remains in his hands.

"General Grant advised General Sullivan to turn over the said sum to the authorities, so that it might be devoted to the uses for which it was collected."

Now, in 1866, General Grant, through his aide, certifies that this money was in the Treasury for the benefit of the loyal men for whom it was assessed, and this was directly at variance with the assertion that an order was made by him that it should be paid back to the rebels against whom it was assessed. No such order can be produced. It is the mere hearsay of a gentleman by the name of William S. Hillyer, who writes a letter in 1872 stating his impression from memory, in which he exonerates himself, and it is cited in this report that this fact had a great deal to do with the character of the report.

Now, sir, of this money thus seized and put into the Treasury a portion of it has already been devoted by Congress to the payment of those loyal men for whom it was assessed. On March 3, 1875, \$9,606.36 were allowed to be paid to Mr. Aldridge, one of the men whose property was taken, and it leaves \$12,665 in the Treasury out of which to pay, as this bill provides when amended, \$22,271.65.

Now, sir, there is another significant fact in relation to this last appropriation. General Grant was President of the United States at the time this last bill passed appropriating nearly \$10,000 out of this fund to these loyal claimants from whom it had been taken. General Grant signed and approved the bill. I submit to any gentleman whether if General Grant had given an order that this money should be paid back to those from whom it was assessed, he would have approved a bill from Congress appropriating part of the fund to the particular purpose for which it was assessed. There is no claim that these men were loyal; there is no claim in this report that they were not implicated in this raid; there is no claim in this report that the assessment was not just and equal upon them. We claim that it was no more than should have been assessed under the circumstances. The report of the committee admits that it was made in accordance with the laws of war, and there is no claim that it was illegal.

The only claim is that now the war is over and this money is in the Treasury, which is not entirely true, and it ought to be paid back. As the gentleman from Illinois stated—and its influence upon my mind determined me absolutely on this case—if you now can go back and pay claims of this kind there is no excuse for not paying any claim that may be brought in for damages in consequence of the war for millions and hundreds and thousands of millions of dollars, I was going to say, for property destroyed, taken, and used during the war. This is only another way of taking the property, which was done in order to prevent a greater destruction of property and to prevent the use of the Army in guarding property when they were needed for fighting in the field.

Why, sir, it seems to me astonishing that a committee of this House can recommend the payment of a claim of this kind and refuse to recommend the payment for the taking of cotton and the destruction of buildings, the trampling down of fields and the destruction of fences, or any other destruction caused by war. This, and every other committee of this House, has always refused to pay any such claims.

With these remarks, Mr. Chairman, I leave the question with the House, confident that it understands our side of the case.

Mr. ENLOE. Mr. Chairman, I regret that it is necessary for me to enter into a discussion of this case, but in view of the statements made by the gentleman from Wisconsin and the gentleman from Illinois it is due to the people I represent, who are interested in this measure, that I should make a brief statement as to the matter it embraces and the ground upon which this claim rests. I will say in the first place that this bill has been reported favorably by five different committees in Congress. It was reported three times favorably in the House, and it has been favorably reported twice in the Senate, and the present report which was made by the Committee on War Claims was made by General Bragg, of Wisconsin, when he was chairman of the Committee on War Claims of this House; and every gentleman acquainted with his high character as a legislator knows that he was a man who looked very carefully into these claims and did so more thoroughly, not only as a matter of exact justice to the Government but to the claimants, than any man who ever presided over the Committee on War Claims.

These various reports were made unanimously by the different committees that have considered this bill, and this bill has passed both the Senate and the House, but never both at the same session of Congress. In the Forty-sixth Congress there was only one vote against it in the House. It passed the Senate less the amount of the claim of Arledge and Patterson.

Mr. KERR. Did it pass with the \$22,000 provision?

Mr. ENLOE. As I before stated, it passed the House in the Forty-sixth Congress in its present form, with but one dissenting voice, upon the report which was made originally by General Bragg, of Wisconsin, who was at that time chairman of the Committee on War Claims; and that report was unanimously adopted by the Senate committee, and it is the same report made by the Committee on War Claims on the present bill. The claim originated from a raid made by a detachment of Confederate troops under Col. N. N. Cox, a regular officer in the Confederate army, on the Federal post at Henderson, Tenn., on the 25th day of November, 1862. This battalion of Confederate troops from

Middle Tennessee crossed the Tennessee River, 60 miles away, the evening of the 24th of November, and rode all night, reaching Henderson and making the attack early the morning of the 25th.

They surprised and captured the post, destroyed the depot, the camp equipage of the troops, the water tank of the railway company, and a quantity of cotton, the property of private citizens, which had been seized by the Federal troops and used for making breastworks. The amount of the damage to the Government was assessed at \$5,080.

This raid was a surprise to the people of Henderson and vicinity, and to the parties named in this bill, as great as it was to the troops who were captured. These claimants had no more knowledge that such a raid was contemplated than did the commanding officer at Henderson.

I think the proof on file in the case will fully justify me in this statement. The immediate commanding officer, Col. I. N. Haynie, appointed a board to assess the value of the property destroyed, and under the direction of his superior commanding officer, General J. C. Sullivan, he levied an assessment upon the citizens named in this bill amounting to \$27,351.36. There has been much controversy over the object of this assessment, but the sworn testimony of General Sullivan sets at rest all legitimate question about that.

Colonel Haynie seems to have had the idea that the money was collected to reimburse the Government for losses sustained, and to pay the citizens who claimed to be the owners of the cotton destroyed; but General Sullivan swears that the money was collected and held as indemnity against future injuries by similar raids, and it was levied upon leading citizens who it was supposed might have influence in helping to maintain peace and order in that section; and that the money ought to be returned to those who paid it.

Now, the gentleman from Illinois [Mr. ROWELL] was in that section during the period this occurred, and states that he placed the citizens under bond, and if anything of that kind occurred he collected the penalty. That was one method of doing it, and this assessment was another. The difference between his method and that of General Sullivan was that he held the money indemnity, while the gentleman from Illinois [Mr. ROWELL] held indemnity bonds.

The reason why this money was not returned to these claimants as contemplated by General Sullivan was that General Sullivan was transferred from that command, and by order of General Grant the money was paid over to Colonel Hillyer, the provost marshal-general at Jackson, Tenn., and finally found its way into the United States Treasury. When the private citizens who tried to establish a claim on this fund for cotton destroyed, on the line of argument pursued by the gentleman from Wisconsin and the gentleman from Illinois, General Meigs, the Quartermaster-General, made a statement that "the money collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to the payment of private losses and damages."

Here we have the statement of this distinguished officer, made with a full knowledge of all the facts, in direct corroboration of the statement of General Sullivan, clearly showing that this money does not belong to anybody except the unoffending and peaceable citizens who paid it to the Government officers. In a letter to the Secretary of War, dated Quartermaster-General's Office, Washington, D. C., December 2, 1871, General Meigs, after reciting the circumstances attending the collection of this money, uses the following language, to which I invite the especial attention of every fair-minded member of this House. He says:

General Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Colonel Hillyer states that the money thus collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to the payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, namely, \$30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this department, military collections, levies, rents of abandoned or captured buildings, etc., are, if their proceeds have been used in the operations of the Quartermaster's Department, charged against the regular appropriation of the Quartermaster's Department, and the amount is placed in the Treasury by transfer warrant to the credit of these irregular funds.

While it was within the military authority and power of a general in the field to levy and collect money as fines; and while he might have paid the proceeds to those who had been injured by the enemy, it appears that General Grant refused to do this, and I know of no law by which any officer of the United States can now take this money from the Treasury and apply it to the payment of these losses and damages.

I am of opinion that the parties have no claim in law, and no officer, so far as I know, has power to relieve them.

Is it not remarkable that at this day we find gentlemen here in this House resisting the payment of this money to the people to whom it honestly belongs on the flimsy pretext that it belongs to the men who claimed to be the owners of the cotton seized by the Federal troops and used for breastworks, which was destroyed in battle, and making this assertion in the face of General Meigs's declaration that they have no claim in law?

Mr. ROWELL. Were they not claiming it out of the Treasury without any act of Congress?

Mr. ENLOE. Yes; and the Quartermaster-General decided that

they had no claim in law, no legal right to make any such claim on this fund.

Mr. ROWELL. Yes; he decided that, having been covered into the Treasury, the only way it could be taken out was by an act of Congress.

Mr. ENLOE. He did not say anything about that; but he said that it could not be applied to the payment of damages to private property because it was not collected for that purpose, and that General Grant so stated. More than that, we have the statement of the commanding officer himself, General Sullivan, that his purpose was not to take this money and turn it into the Treasury, but to hold it as indemnity, just as the gentleman from Illinois [Mr. ROWELL] took bonds and held them as indemnity.

He did not collect those bonds, and General Sullivan intended, not that this money should be turned into the Treasury, but that it should be returned to the parties who paid it. Another point. He states that the damages sustained amounted to \$27,000. The amount assessed was \$27,000, and something over, but that damage was in a large measure the destruction of the property of individuals, which was destroyed in the course of the conflict between the two contending forces. The Government loss was only \$5,080, as found by the board of assessors appointed at the time to ascertain the amount of the damages.

Mr. CATCHINGS. Does the order indicate the purpose for which the money was taken?

Mr. ENLOE. The terms of the order, as stated by the commanding officer, were that it was taken for the purpose of reimbursing the Government and reimbursing these citizens; but the superior officer, General Sullivan, and his superior officer, General Grant, decided that it was not collected for that purpose, and turned it into the Treasury, refusing to pay it to these parties.

More than that. I want to state that there is testimony, abundant testimony, to show that these gentlemen who are making these claims did not have any vestige of right to make a claim upon the Government or upon this fund for property destroyed, and that they never had at any time in their lives such an amount of money as they claim to have had invested in cotton at that time.

I have here the statement of Col. Fielding Hurst, the commander of a regiment of Federal troops that was raised in that country. He knew these people; he lived among them and practiced law among them; and he says that they were not in any wise concerned in this raid, and were not in any way responsible for the destruction of this property, and that there was no reason why this assessment should be levied upon them, except the mere fact that they lived in the vicinity where the damage was done. The gentleman from Wisconsin [Mr. THOMAS] sought to leave the impression that these men were concerned in that raid, or that their sons were concerned in it, that they organized or were instrumental in organizing the force that captured this property and destroyed it; but I say there is not a particle of evidence to sustain that statement.

I deny the allegation *in toto*, and challenge the proof; and I say that the proof shows that these were peaceable, law-abiding citizens under the jurisdiction of this Government, because the jurisdiction of the Federal Government was at that time full, ample, and complete in that portion of Tennessee, and these people were as much entitled to protection in their property rights as if they had lived north of the Ohio River.

Mr. HENDERSON, of Iowa. I have not been able to get a copy of the report, and I do not know that I understand the position of this claim. As I understand, under orders of the commanding officers at the point indicated parties who had been connected with raids or who were identified with treason at that point were fined. Was that the situation?

Mr. ENLOE. No, sir; the fact is this—

Mr. HENDERSON, of Iowa. Who were fined, and what for?

Mr. ENLOE. These citizens who lived in the vicinity of Henderson were fined for the reason that they lived in that vicinity.

Mr. ROWELL. Is that true, or is it not rather true that they were fined because they were active sympathizers with the Confederacy?

Mr. ENLOE. Of course almost every man in that country was in a certain sense a sympathizer with the Confederacy when the mass of the people there were engaged on that side of the conflict. But they were not active participants in the struggle in any way, and were not responsible for this raid which was made at Henderson.

Mr. HENDERSON, of Iowa. The assessments, then, were for the purpose of making the citizens join together to prevent raids?

Mr. ENLOE. For the purpose of making them use whatever influence they might have upon the regularly constituted authorities of the Confederacy to prevent further raids.

Mr. HENDERSON, of Iowa. And the parties who were fined or assessed for this purpose are now applicants for the restoration of the money?

Mr. ENLOE. They are applicants for the restoration of the money after reimbursing the Government for every dollar of loss which it sustained.

Mr. HENDERSON, of Iowa. What amount is embraced in the bill?

Mr. ENLOE. Twenty-two thousand two hundred and seventy-one dollars and seventy-six cents.

Mr. THOMAS, of Wisconsin. The gentleman will permit me to

say—he will not dispute the statement. I suppose—that a little less than \$10,000 has already been appropriated by Congress out of this money to a portion of these people for whose benefit it was assessed.

Mr. ENLOE. Now, in regard to that I want to make a statement. Aldridge and Patterson, two parties who claimed that they had sustained losses by the raid, that their cotton was destroyed, wanted the Government to stand in the attitude of insurer of their cotton against destruction by the Army. They came here to Congress making a claim upon this fund; and Congress did pass an act appropriating out of the Treasury (the act, I believe, does not recite that the appropriation is made out of this specific fund) about \$7,000.

Mr. THOMAS, of Wisconsin. Nine thousand six hundred dollars.

Mr. ENLOE. No, sir; \$7,795.08 was the amount actually paid to Aldridge and Patterson.

Mr. ROWELL. What amount does the bill cover?

Mr. ENLOE. Nine thousand six hundred and six dollars.

Mr. ROWELL. How came the deduction to be made? Was it not on account of some claim that the Government had against them?

Mr. ENLOE. I do not know.

Mr. ROWELL. Is not that true?

Mr. ENLOE. I do not know that it is.

Mr. ROWELL. The appropriation was \$9,600, the exact amount of the assessment by Colonel Haynie's commission. Is not that true?

Mr. ENLOE. I am not aware that that is exactly correct. The exact amount appropriated was \$9,606. But I will say this: If Congress decided that a portion of this fund belonged to those parties, it so decided in violation of the construction of that order placed upon it by General Grant and General Sullivan, and in violation of the rights of the parties to whom the remainder of this fund honestly belongs after paying the Government the loss it sustained by the raid.

Mr. HENDERSON, of Iowa. Are there contending interests in regard to this money?

Mr. ENLOE. There is one gentleman who has been making a claim here; I do not know whether he has presented his claim during this Congress or not, but he heretofore presented a claim. I suppose he has abandoned it because he was discredited by the testimony of Col. Fielding Hurst, who commanded the Federal troops raised in that country, and who said that he never was the owner of as much as 10 bales of cotton at any one time during the war.

Mr. ROWELL. When did he say that? Where is the evidence?

Mr. ENLOE. I will furnish the gentleman the evidence. I will, if it is desired, read the statement that Colonel Hurst made in regard to this matter.

Mr. CATCHINGS. Is there any report or order designating the persons whose property was destroyed and for whose benefit the assessment was claimed to be made?

Mr. ENLOE. Yes, sir; the list of names is set out in the proof on file in the case, and the amount paid by each one. This bill simply proposes to pay back to them, pro rata, the amount collected from them.

Mr. HENDERSON, of Iowa. Is the original order, under which the assessment was made, very lengthy? If not, I would be glad to have my friend read it so that we may know the basis of this matter.

Mr. ROWELL. The commission found the name of each person who suffered damage, and the exact amount of the damage.

Mr. ENLOE. Here is a list of the names; and here is a copy of the receipts. I will publish with my remarks, if gentlemen desire it, a statement showing how this order read, and the number of parties embraced in it. But that is all set forth in the evidence, and it would unnecessarily encumber the record. I have not time to go into that further at this time.

Mr. CATCHINGS. Was this inquiry into the amount of the damage, and who sustained it, made prior to the order of assessment?

Mr. ENLOE. This board that made the investigation as to the losses sustained acted under Colonel Haynie's order. As I have stated, Colonel Haynie had the board make an assessment of the amount of damages sustained, and to report by whom sustained.

Mr. CATCHINGS. Then this assessment was made to cover the amount embraced in the prior report?

Mr. ENLOE. It was made to cover the full amount of the value of all property destroyed, though as General Meigs has said, the assessment was in excess of the amount contemplated by General Grant or his order.

Mr. ROWELL. That is not all. The full amount was not in the first instance collected, and a second assessment was made.

Mr. ENLOE. And General Grant and General Sullivan, who were the commanding officers, decided that the order did not contemplate the payment of private parties for property destroyed.

Mr. ROWELL. When did they so decide?

Mr. ENLOE. Upon the application of Aldridge and Patterson for a part of this fund General Grant so decided, and General Meigs stated that the money could not be paid to them.

Mr. ROWELL. Simply because it had been turned into the Treasury of the United States.

Mr. ENLOE. This was not stated as the reason. More than that, it seems to me that if the commanding officer did not understand his own order, it is a very late day for gentlemen to come here to put a new interpretation upon it.

Mr. THOMAS, of Wisconsin. Can you find in the War Department or elsewhere any order signed by General Grant to that effect?

Mr. ENLOE. No, sir; but I find that Colonel Hillyer and General Sullivan and General Meigs make the statement, that this was the construction that General Grant placed upon his order.

Mr. THOMAS, of Wisconsin. One other question, and I will not trouble the gentleman further. Is it not a fact that General Badeau stated in 1866 that General Grant did not construe the order, but said the money should go to the payment of these men for whose benefit it had been assessed?

Mr. ENLOE. That was a mere voluntary statement of General Badeau as to a matter upon which General Grant had previously spoken himself, and those associated with General Grant at the time of the occurrence discredit the authority of General Badeau to speak for General Grant. They placed upon the order at the time the construction I have stated.

Mr. THOMAS, of Wisconsin. No, sir—

Mr. ENLOE. I decline to be interrupted further.

I want to say that those citizens, the claimants in this bill, were not engaged in any way in promoting the rebellion at the time this transaction occurred. A great many of them were not even connected by relationship with the army in any way. They simply happened to reside in that portion of the country, and to have some property; and on account of their residence in that vicinity the assessment was levied. I suppose if the matter had occurred in any other neighborhood the citizens of that neighborhood would have been treated in exactly the same way. These people have been faithful, law-abiding, loyal citizens from the time that the army went into that country. They have renewed their allegiance to the Government, and were at that time, and have been from that time, loyal to the Government. They have been looking forward to the payment of this claim. They believe it is right and just.

There is no man in my section of country, Democrat, Republican, white man or black man, who does not believe that the Government has done a great wrong to these people in withholding this money. If my district had been represented in this Congress by a Republican instead of a Democrat, my competitor in the canvass, occupying on this question exactly the same ground that I do, he would have been here advocating this measure, because it is recognized as a simple act of justice.

I do not think it right at this late day for gentlemen to undertake to prevent the payment of a just claim by appealing to war prejudice. I do not think it right in any citizen, I do not care whether he be a Democrat or a Republican, to come before Congress or to go before the country and undertake to obstruct the passage of a just claim by appealing to the prejudices of the war.

In behalf of those people, I want to say that most of them are broken up, so far as worldly circumstances are concerned. Some of them are almost in absolute poverty; and this small sum of money which the Government wrongfully withholds from them, if it were paid over to them, would be of great help to them in their necessities. I hope, Mr. Chairman, the bill will be passed. [Cries of "Vote!"]

Mr. WILSON, of Minnesota. I should like my friend from Tennessee to answer me this question: Wherein this in principle differs from the order of the President of the United States emancipating the slaves, or from any other act in aid of putting down the rebellion?

Mr. ENLOE. I wish to state to the gentleman from Minnesota that that is an entirely different matter.

Mr. WILSON, of Minnesota. In principle wherein does it differ?

Mr. ENLOE. In principle it differs in this respect. This assessment was not levied for the purpose of punishing these citizens. It was not levied for the purpose of putting money into the Treasury of the United States. It was levied for a specific purpose. What was that purpose? It was not levied entirely for the purpose of paying losses sustained by the Government, but mainly for the purpose of holding it as an indemnity in order to prevent, as he states, Confederate troops in the future from making raids into that country.

As I stated awhile ago to the gentleman from Illinois, General Sullivan took this money and kept it for the purpose which I have stated, intending all the time that it should be returned to these citizens. It is now proposed in accordance with that intention on the part of General Sullivan to return this money to the parties to whom it belongs.

Mr. LANHAM obtained the floor.

Mr. ROWELL. I desire to make a statement.

Mr. LANHAM. How long does the gentleman desire?

Mr. ROWELL. I will not occupy longer than five or ten minutes.

Mr. LANHAM. My desire is to get through with the discussion of this bill so we may get to some other business upon the Calendar.

Mr. ROWELL. I will not occupy the floor but for ten or fifteen minutes at the furthest.

The CHAIRMAN. The gentleman will proceed.

Mr. ROWELL. It would seem, Mr. Chairman, from the argument which has been made to-day that we are not to be permitted to resist the application for the payment of the damages and ravages of war without being accused of a desire to stir up the animosities which had

their birth in that rebellion. Of course if we pass this bill then we might as well pass a general bill at once in the interest of harmony and good will and peace, and shaking hands across the bloody chasm, in order to indemnify the whole South for the past.

Now, I do not oppose this bill as a partisan. I oppose it with intimate, personal knowledge of the relations between the Army and the citizens of West Tennessee at the time this assessment was made. This assessment, we are told by the gentleman from Tennessee [Mr. ENLOE], was made according to the testimony of General Sullivan, taken years after the war had closed, as to his secret intention, given when the war was all over, that the money was to be returned to the parties from whom it was taken. Now, this order was issued by Colonel Haynie, commander of the post, in pursuance of a liberty given in general army orders. It was definite and specific. It was for the purpose of indemnifying the United States and individual sufferers. It was an effective order, just the same as when bonds were required to be given by neighboring prominent residents, which I carried out in Jackson, was an effective method of preventing raids and damages being done the property of private citizens.

This order was issued for that purpose. This method was taken. Either or both methods proved effective in accomplishing the purpose. This order ended the raids within 60 miles. It prevented a continuance of like damages occurring in West Tennessee on the part of men in citizens' clothes, giving out they had abandoned the cause, and who, when they got together and were ready to go back to the army, rushed into the towns and destroyed the property of the citizens.

I do not know this particular damage at Henderson was of that kind, but we know that within 50 miles these raids were being made and property was being destroyed. It was at a time when the Union Army had absolute control of West Tennessee. There was no organized rebel army near it. The railroads were being operated and business was being carried on when this damage was done.

Colonel Haynie assessed the damage. What for? To reimburse the United States and to reimburse the individuals who were injured in their property. He called a military commission, and that commission sat to ascertain the ownership of the property which had been destroyed and the value of that property and the value of the United States property which had been destroyed. The sons of these rebel sympathizers were in the army. The assessment was made. When it was collected some of the parties got out of the way and went South, so that the money assessed on them could not be collected. A reassessment was then made and the money was collected and turned over to the proper officers of the United States Army, who placed it in the Treasury of the United States. Everybody knows when it got into the Treasury of the United States it could not be gotten out except by an appropriation, and that is all there is of the matter.

Mr. WASHINGTON. Will the gentleman allow me a question?

Mr. ROWELL. Certainly.

Mr. WASHINGTON. I merely want the gentleman to throw light upon this point, and I ask him for information. You say this money was turned into the Treasury by these officers who collected it?

Mr. ROWELL. Yes, sir.

Mr. WASHINGTON. Now, if they had a right to assess and collect this money upon innocent parties for the purpose of reimbursing those whose property, in the amounts stated, they alleged had been destroyed, then had they not an equal right to reimburse with the money so assessed and collected the persons for whose benefit it was collected, instead of placing it in the Treasury?

Mr. ROWELL. No, I think not. Ordinarily quartermasters in the Army receiving funds in this way and who are obliged to account for them would be very likely to turn them over in the first instance to the Treasury of the United States in order to get credits, because they had no authority to disburse money except in pursuance of law; and there would be no return of what he did with the money, or any vouchers for it, unless it passed through the regular channels. Colonel Haynie went out of command; General Sullivan went out of command; and the regulations of war required that this money should be paid out in accordance with the appropriations fixed by law.

Mr. WASHINGTON. Permit me to interrupt again, simply for the purpose of getting information from the gentleman. These parties who lost their property made application to Colonel Haynie for relief, and he levied an assessment upon innocent persons to make good the damage—

Mr. ROWELL. There is a difference of opinion on that point. I say "guilty" parties.

Mr. WASHINGTON. Well, assume that they were guilty parties, then. It was not charged that they were the parties who destroyed the property. But assume that they were guilty parties in the sense that the gentleman means. That levy was made on the property of men who were accounted as rebel sympathizers by Colonel Haynie for the purpose of reimbursing loyal parties whose property was alleged to have been destroyed. Now, I ask this question: If he had the right to levy an assessment on all disloyal persons living in that neighborhood for the purpose of reimbursing those who had lost their property, or to compensate for property that had been destroyed, how would he have violated any law if he had carried out the purpose of his order of

assessment to its legitimate conclusion and reimbursed the parties who alleged that their property had been destroyed to the amount of the assessment?

Mr. ROWELL. If the money had come into Colonel Haynie's hands I am ready to venture any prediction that it would have been so paid.

Mr. WASHINGTON. Well, take his officers acting under his orders. It went into their hands.

Mr. ROWELL. But he was the commanding officer and not the disbursing officer, and the money did not come into his hands.

There is no particle of evidence in the world that General Grant did not understand that the money was to go to the parties for whose benefit it was to be assessed.

Mr. CATCHINGS. Why has not the money been paid to these people?

Mr. ROWELL. It got into the Treasury, and subsequently a bill came into the House for the benefit of one of the parties for whose benefit the assessment was made, and the sum of \$9,600 was claimed by him. The bill promptly passed, and was signed by General Grant, and the money paid over, less some small amount that I believe the Government had as a counter claim against him.

Mr. WILSON, of Minnesota. In other words, this money was paid in pursuance of the purpose for which it was originally taken?

Mr. ROWELL. Yes, it went to one of those persons for damages to his property.

Subsequently these parties came to the Forty-fifth Congress or the Forty-sixth Congress and a report was made in favor of paying them their back. In the Forty-eighth Congress there was a report in favor of paying \$12,000, the remainder on hand, to these parties, and against paying the persons for whom the present bill was framed. But here comes in a report now that carefully avoids saying a word about the fact that \$9,600 of the original assessment had been already paid out of the Treasury to one of the parties for whose benefit it was levied.

I was a member of the Committee on War Claims of the Forty-eighth Congress and thoroughly investigated the matter, the committee of that Congress reporting unanimously against the present bill and in favor of paying the \$12,000 to the parties for whose benefit it was levied.

Now, it is a simple question of inference that General Sullivan was afterwards induced to say that in his secret thought he had a different intention from what the written order meant in making that assessment. It was an effective order—

Mr. ENLOE. Will the gentleman permit an interruption?

Mr. ROWELL. Certainly.

Mr. ENLOE. I want to interrupt the gentleman for a moment to make a statement in regard to the character of the claimants to whom he refers, and the character of the citizens upon whose property the assessments were levied. I want to introduce in this connection, as a witness, Col. Fielding Hurst, who raised a Federal regiment in Tennessee and served in the Army. He says:

I have been familiarly acquainted with the claimants for more than forty years, and I know them to be honorable, just, and good men, who were at home in the peaceful pursuits of life when the assessments and collections were made. I know of no gentleman whose character for goodness is better than that of the claimants.

Further he says:

I think they are as justly entitled to that money as I am to reap the reward of my daily labor.

I especially call the attention of the committee and of the gentleman from Illinois to the statement of Colonel Hurst with reference to Willis N. Arnold, who made some claim before the Forty-eighth Congress. He says:

Again, as to Willis N. Arnold, who interposed some objection to the relief sought by the claimants, and setting up some sort of claim to the money as having been collected for his benefit. I must say that Mr. Arnold was a very poor man at the commencement of the war in 1861. He certainly had no money to pay for cotton or to enter into any other speculation upon. He was esteemed a villain and an outlaw before the war, and he was in our county jail for prosecuting false claims against the Government before the war. I think he begged and paid out some two years before the war commenced, and was living on a poor and very small farm in Henderson County, adjoining this. As to his loyalty, it was manifest as being what I call a "camp follower" and a thief, who ran the blockade and dealt in cotton and Confederate money in a small way.

That is the character of the man who comes and makes a claim in his own behalf, trying to defeat the just payment of citizens that Colonel Hurst, the Federal commander in that country, speaks of in such high terms, and surely if any one had prejudice against them he would have, but he says they were at home engaged in peaceful pursuits and they are entitled to this money.

Mr. ROWELL. I do not know of any reason in the world why a liar is not entitled to make his claim, or that an honest man is entitled to deny it to him. I do not know who Arnold was, but I do know Colonel Hurst. A man in Mississippi was reported to be not only a rebel, but that he never owned a dollar in the world, and yet the man owned a large plantation, was a pensioner of the Government, and a loyal man, and Colonel Hurst wrote and said all sorts of hard things about him, but subsequently wrote that he had the names mixed, and had got the wrong man.

Mr. ENLOE. I am not here to defend the character of Colonel Hurst, but his character stands before the people of that country a great deal better than Mr. Arnold's, whose testimony is impeached.

Mr. ROWELL. I have made no attack upon Colonel Hurst. I ad-

mire the courage of the man and his loyalty in maintaining his convictions in the midst of rebels. I was only saying that he was a man of haste, a man who sometimes said things hastily, and he was used to say very saucy things against a man when he thought he had occasion.

Mr. ENLOE. If you had known Colonel Hurst as well as those living in that country you would not doubt his loyalty or his veracity. Colonel Hurst's word, as far as that is concerned, should be taken as against Arnold. I say that Colonel Hurst made a mistake in the instance mentioned.

Mr. ROWELL. I repeat again that I have not attacked Colonel Hurst. I admire him more than those gentlemen who are now seeking to get this money from the Government. He did fight bravely for the Union, and he was not afraid to maintain his sentiments in the midst of rebels. I only said that he was liable to make mistakes.

You say this man is loyal, having a just claim against the Government. Does it operate against him because he is a liar? You say that these men are not rebel sympathizers, so found by the military officers in command there. And this man Arnold had cotton and other property destroyed, so far as has been found by the military commission.

Mr. ENLOE. Upon his own testimony.

Mr. ROWELL. They found the fact; I do not know upon whose testimony.

Mr. ENLOE. I want to say to the gentleman, as far as that is concerned, that Colonel Hurst did not make this as a hasty statement, but made it under oath. That is his sworn testimony.

Mr. ROWELL. Of course it is.

Mr. ENLOE. He did not make it hastily.

Mr. ROWELL. Did it make any difference because these men are good men? Why, the rebel army was full of good men. What I say is that these men were giving aid and comfort and sympathy to the enemies of the United States. Does that make any difference in the character of this claim? I say that you have undertaken to change the issue upon character, when the issue has been upon the principles of law.

Mr. ENLOE. I say that the gentleman is not as good a witness to men's character in that country as the officer commanding the Federal forces there at that time.

Mr. ROWELL. But he did not command a regiment around Henderson. Colonel Hainey, of Illinois, whom I loved in his life-time, was in command there. No better or braver soldier ever marched to a field of battle from my State than Colonel Haynie. These facts were found by the commission, and the question is not whether good men should be paid, but whether we shall repay money collected in pursuance of an order legally issued in pursuance of the policy used in the suppression of the rebellion, and in pursuance of the war power conceded by all nations. This money was collected to reimburse parties for damage done in order that that sort of damage might cease. It was a most effective remedy, and it is a question whether or not at this late day the Congress of the United States is going to restore that money so collected. The men who were under bonds in West Tennessee were made liable if future raids were made, and their money would have been collected, not in a court, but by military authority in pursuance of military right, and that money, had it been collected, would have been liable to be paid back just the same as this is.

The Union Army pursued another policy. They determined to live off the country in certain of their movements for the purpose of more quickly and more certainly suppressing the rebellion, and we are now to pay the enemies of the country for the provisions seized, the horses, mules, and cotton seized in pursuance of that policy, when the people from whom they were taken were giving aid and comfort to the enemy! I declare my belief that there never has been a claim before Congress so far reaching in its effects as a precedent as this one, and I shall oppose it.

Mr. THOMAS, of Wisconsin. I want to occupy only a few minutes; not to make an argument, but to read one or two things that may be found in the laws of the United States and in the records of Congress. An act of Congress approved March 3, 1875, provides as follows:

That the Secretary of the Treasury be, and is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to John Aldridge, of McNairy County, Tennessee, such sums, not exceeding \$9,606, as the Secretary may deem reasonable, from money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tenn., to make repayment for the destruction of cotton, the property of said Aldridge; the sum paid to be charged to the account of captured and abandoned property.

That shows that \$9,600 of this money has been already appropriated to the purpose for which it was assessed.

Now, Mr. Chairman, a Democratic committee of the Forty-eighth Congress examined all the facts in this case, and made a report, from which I will read. A letter was written by one Arnold to General Grant, and it was answered by General Grant through General Badeau, then a member of his staff.

But let me say right here that there is not extant an order of General Grant, or of any aid of his, or of any competent authority, stating that this money was to be repaid to the persons from whom it was assessed. General Grant, through General Badeau, wrote to Arnold in 1866 as follows:

In reply to your communication of June 11, addressed to Lieutenant-General Grant, and requesting that you as a loyal citizen might be remunerated for

losses sustained by you at the burning of Henderson, Tenn., General Grant directs me to inform you that an assessment was made by General Sullivan by his orders upon the property of disloyal citizens for the purpose of remunerating the sufferers at Henderson, and that since General Sullivan has been mustered out of the service he has informed General Grant that a certain amount of such assessment remains in his hands.

General Grant advised General Sullivan to turn over the said sum to the authorities, so that it might be devoted to the uses for which it was collected.

The committee therefore find that the record clearly establishes the fact that loyal citizens were molested, that their property was destroyed, that its value was adjudged by a proper military commission, that assessments were made on disloyal persons to reimburse their loss, that the money was collected, that it was turned into the Treasury to be devoted to the uses for which it was collected, and that the said money is now in the Treasury, less the amount payable to Aldridge, and that there is no legal or equitable right in the claimants mentioned in the bill [this bill] to any part of said fund; but that, having been assessed and collected for a special purpose, it should be devoted to that use or held in the Treasury as an indemnity to the United States.

Now, sir, it is inconceivable to me that a unanimous report of a Democratic committee denying that General Grant ever made any such order as is alleged here can be a mistake, and if it is not a mistake these men certainly have no claim.

Mr. LANHAM. In the interest of other business on the Calendar, I ask unanimous consent that debate be now closed on this bill.

Mr. WILSON, of Minnesota. I want to occupy a few minutes.

Mr. LANHAM. Then, I ask unanimous consent that all debate on this bill be limited to five minutes.

Mr. WILSON, of Minnesota. I can not agree to that, but I do not think I shall occupy over ten minutes.

Mr. LANHAM. Say ten minutes, then.

Mr. BURROWS. Let the gentleman from Minnesota have fifteen minutes.

Mr. WILSON, of Minnesota. I do not think I shall take over ten minutes, and I may not occupy more than five minutes.

Mr. ENLOE. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Tennessee has thirty-five minutes.

Mr. ENLOE. Then I yield to the gentleman from Minnesota [Mr. WILSON] ten minutes of my time.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] asks unanimous consent that all debate on this bill be limited to ten minutes.

Mr. ENLOE. I want to reserve the balance of my time. I am willing to agree to a limitation, but I do not want to give all the time to the other side. They have had an hour and I have had only twenty-five minutes. I want to reserve fifteen minutes of my time, and let the gentleman from Minnesota [Mr. WILSON] take fifteen minutes.

Mr. WILSON, of Minnesota. Mr. Chairman, if I felt there was a legal basis for this claim, and that it would not establish a precedent that would be dangerous, I might vote for it. But I think its allowance would be a precedent both dangerous and far-reaching. I therefore deem it my duty to oppose it, and I wish to state in the briefest manner the grounds of my opposition.

As I understand it, there is one principle of law which has been settled beyond all question, to wit: That it is within the competency of a military commander, by way of reprisal for something that has been done, for the purpose of preventing predatory incursions in the future, or for any like reason, to make an order such as was made in this case, levying contributions on the people of a hostile community. This is well settled and affirmed by all writers on the laws of war.

That this was the nature of that order is proved by the language of the order itself. It is in language so clear that its meaning is unmistakable.

It is said by my friend from Tennessee [Mr. ENLOE] that General Grant declared that he did not give to that order this meaning. But on the other hand it is affirmed, and seems to be proven by the testimony of a man close to General Grant, General Badeau, that General Grant did not mean to say any such thing as it is affirmed he said; but on the contrary, that he meant just exactly what this order says. Therefore the evidence is *in equilibrio* at least, and we must take the order as it stands, giving full force to its language.

The question is, therefore, when an order such as this is made and the money is collected on what principle shall the Government be required to pay it back? I asked my friend from Tennessee to tell me wherein this principle is different from the order or proclamation issued by President Lincoln emancipating the slaves? Was each not issued for the purpose of weakening the enemy and of putting down the rebellion? To that question the gentleman undertook to make an answer, which, however, to my mind, is not satisfactory. Each was, I think, a legitimate exercise of the war power.

I think they stand, Mr. Chairman, upon the same legal proposition, namely, that the commanding general has the right to make such order and to do such acts as will weaken or destroy his adversary or strengthen himself. This is the law of war. In times of war the laws made for our guidance or government in times of peace are silent. In war the protection of the people—the defense of the Government against its enemies—is the supreme law.

If we admit liability in a case like this, we shall make a precedent, Mr. Chairman, that will rise to torment us in the future. Such a precedent is not to be tolerated and can not be justified either upon grounds of public policy or upon any legal principle.

These are the grounds of my opposition to this bill, and for these reasons I wish to say that I shall vote against not only this bill, but all bills of a like nature, as I stated a few days ago on the discussion of a bill to pay for cotton used by the Union Army for breastworks at Nashville. I stated in that case that there was no legal liability on the part of the Government, and that I thought due regard to public policy dictated that we should not by our action in Congress create or acknowledge any such liability.

Mr. WASHINGTON. Is there not a great difference between the return of an assessment of money like this and the destruction of private property for war purposes?

Mr. WILSON, of Minnesota. They both stand on precisely the same principle—an exercise of the war power. If there is any difference it is a difference in circumstances and not in principle.

We must look at the principle that underlies these cases and not at minute and unimportant differences that do not affect the principle. The same rule and reason that would tolerate the using of cotton as a defense or breastwork would tolerate its destruction if necessary, and would sanction that which was done in this case. They stand upon the same reason that sanctions the destruction of property to prevent the spread of a conflagration, the public safety, as I have said, being in all such cases the supreme law.

In this case the facts are that in 1862 a party of rebels made a raid upon a small force of Union troops stationed at Henderson, Tenn. The raiding party captured the Union troops, with their arms and camp equipages, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water-tanks of the railroad company. Thereupon Colonel Haynie, the commandant of the Union forces at the post of Bethel, Tenn., appointed a board of officers to investigate the losses and appraise the damages, with a view to assessment by way of reprisal upon the rebel sympathizers about Henderson. The board so appointed assessed the value of the property destroyed at \$26,751.36.

Upon this report Colonel Haynie ordered the assessment of the amount to be levied upon the rebel sympathizers in and above Henderson; and the sum was collected of them. All this, as I have above said, the military commandant had a right to do according to the laws of war, either by way of punishing the enemy for what they had done or of strengthening himself by deterring them from such depredations in the future.

Mr. ENLOE. I now yield ten minutes to my colleague from Tennessee [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I am the last man in the world who wants a claim to be paid to anybody who was disloyal; and if I thought the property of the people of my State had been taken under authority of any law, and rightfully taken, I would be the last man to vote to reimburse them or turn the fund back to them after it had been taken.

I do not think that the rebels of my State were any worse than the rebels of any other State. I know they were bad enough, and God knows they were; but because some fool rebel down in Middle Tennessee, with a handful of sympathizers, thought he could conquer the great Union Army and establish the Southern Confederacy by making this raid on the town of Henderson and burning up the property of some loyal men down there, some cotton and military supplies, is no just reason why the peaceable people of that locality who were rebel sympathizers, and with whom I differed as widely as with any people in the world, should have an assessment made upon their property to the extent of \$26,000 for the purpose of reimbursing men claiming to be loyal and Union people for property that was destroyed.

Now, by virtue of what authority was that assessment upon their property made? The commanding general had no right to assess the rebels of the country for so much money to pay for property that some raider had destroyed of a Union man. Congress had passed no statute to confiscate the property of rebels in any one of the States or in our State. It was an act of confiscation that was unauthorized either by the Commander-in-Chief of the Army or under any law. It was a tort, a wrong that can not be justified by an appeal to any law in this country; and if that money is in the Treasury, as it is, beyond all question, but ought to have been paid out, as my colleague suggested in his question to the gentleman from Illinois, to the parties who claimed it, or their representatives, their receipts would have been as good vouchers in the hands of the quartermaster as the receipts from the Treasury Department after he had turned it in there.

But, I repeat, it went into the Treasury without any authority of law. It is there to-day, and who has a better claim or right to it than the people who paid it under this unlawful and forced assessment, unauthorized either by the military commander or by any act of Congress?

Mr. THOMAS, of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. BUTLER. Most assuredly.

Mr. THOMAS, of Wisconsin. Does the gentleman say it was an unlawful and unauthorized assessment?

Mr. BUTLER. I do.

Mr. THOMAS, of Wisconsin. You differ from the committee who make the report in that respect.

Mr. BUTLER. That may be, but I think not.

Mr. THOMAS, of Wisconsin. If the gentleman will permit me, I will read an extract from the report:

The right of the military commandant in time of war to order and enforce assessments—

Mr. BUTLER. I do not care if a dozen committees said it. I can not yield to the gentleman, for I do not propose to occupy but a short time. No military commander has any right, in the absence of the law, to make an assessment upon the citizens of the country for anything outside of the mere question of supplies to sustain and support the Army, or for transportation to transport the Army, but not for the purpose of reimbursing citizens for damages done to their property. That is a legal question with which the military commandant has nothing to do. It is a question for the civil authorities. Why, General Grant did not recognize this authority claimed by Colonel Haynie, according to the report of the committee. He ignored it; and because he was the military commander in command at the place where these stores and supplies were destroyed would that give him authority to sit in judgment upon the people and say: "Now, I will take the statement of these men who said their property was destroyed. I will ask them how much was destroyed; what was the value of their property. I will be governed entirely by what they say. That is sufficient evidence for me."

Why, one of these people, a man named Willis Arnold, says it is \$6,000 or \$9,000. Colonel Hurst, whom I knew as well as I knew any man in the world, served with him in the Legislature, served with him in the Army side by side, says he was absolutely unworthy of belief. That is the character of argument and the character of testimony on which a demand is based to refuse payment of these moneys illegally extorted from the people there.

If it was right to make an assessment upon the people of West Tennessee it would have been right to make an assessment upon the people all through the country. Where is the law that authorized such a proceeding? Why, there were thousands of cases in all parts of the Southern States where the commanders would have hesitated a long time before taking the statements of Tom, Dick, or Harry as to their losses and assess it upon the people of the country for the purpose of reimbursing such losses. Some of them were unable to meet the assessments in the case at Henderson, and those who were able were forced to make up the difference. Another commander came along and forced them to make it up. Where would it stop if you admit such authority?

Mr. Chairman, I do not know of any better way to reduce the "surplus" than to pay it back honestly to the people to whom it belongs. It seems to me it is better to do that than to take it away from the people by crippling the industries of the country and making beggars of them all.

Mr. WILSON, of Minnesota. Do you think it better to do that—to lower taxation? Better pay it than lower the taxes?

Mr. BUTLER. Better pay it than lower the taxes, and lower the wages, and destroy the industries of this country. You had better take this money out of the Treasury and give it to the rebels. I had rather see that they had it than to see that such claims as this should not be paid.

Mr. HOVEY. I think we had better give it to loyal men.

Mr. BUTLER. Pay every loyal claim, pay every one of them, for all the damage they sustained. I will go as far as the farthest, and no man on this floor is more ultra than I am in protecting the Government from unjust claims, but do not go and collect money without authority of law. According to this testimony these parties were at home attending to their own business. They might have sympathies for the rebellion, though it was a mistaken judgment. Will you go through the country and take the money of men in this way and keep it in the Treasury when it should be returned?

Mr. ENLOE. I want to call the attention of this House to a report made in both branches of Congress by the Committee on War Claims. It covers the whole question. The gentleman from Minnesota seems to have some legal difficulty in the matter. In the Forty-sixth Congress, in a report on this claim in the Senate, the law is stated as follows:

This committee have maintained and still adhere to the doctrine that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected, \$23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, \$4,026, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortuous act. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them (\$22,271.26) in excess of the requirements of General Grant is valid, and that the Government ought in right to refund the same, and report herewith a bill redistributing the same to the persons

who paid the same ratably, in proportion to the sums originally paid by each of them respectively, and recommend its passage.

And now, sir, there is a provision in the Constitution which, it seems to me, ought to have protected and did protect these citizens at that time under the jurisdiction of the Federal Government. These men had no doubt taken the oath to support the Federal Government, and if they were keeping that oath it entitled them to protection in their property under that provision of the Constitution which says no person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Now, as to the purpose of taking this property, I want to read the sworn testimony of General Sullivan in the case. He was the commanding officer and the man who had this assessment made. Here is his testimony in full:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Jeremiah C. Sullivan, being duly sworn, deposes and says as follows, to wit: I am the General J. C. Sullivan who was in command of the Department of West Tennessee when Special Order No. 15, December 12, 1862, was issued. I believed that by issuing that order guerrilla raids upon my depots and outposts would be checked. During the command of my predecessor great annoyance had been caused by such raids. Upon investigation I found that such raids were made by young men who, leaving the rebel army on furlough, would visit their homes within my lines. After they had recruited their health and horses, gathering at some selected point, they would make a dash on some outpost or depot, and securing the spoil and destroying the property, gallop off to the army. An attack of this kind was made shortly after I took command. I did not have force enough to establish a guard in each town or at each cross-road.

I reasoned that the best way to check these raids was as far as possible to make the parents or prominent people near where these raids took place responsible for the good behavior of these young men when they came home. I did not believe that I could secure my object by imprisoning the parties referred to, knowing that the separation from their families and friends would embitter feelings I was anxious to allay, but I knew the love of money was all-powerful in the human breast, and that if I exacted such a penalty I would have ever present with them a powerful monitor to warn them against such future attacks. On or about the 25th day of November, 1862, a raid was made upon the post of Henderson, Tenn., resulting in the destruction of a large amount of property then at said post. Upon the report of the attack at headquarters I issued Order No. 15, a copy of which I have no doubt is on file among the papers of the claimants, who ask to be reimbursed the money paid by them under that order.

Owing to the fact that all my books and papers relating to my military transactions are now in the East, and to the lapse of time, it is impossible for me to give a statement in detail of the result of Order No. 15. I can only say, in a general way, that I sent for a number of the leading and substantial citizens of the surrounding country, and having inquired into the standing and circumstances of each, I levied assessments upon a large number of such persons in proportion to the standing and ability of each and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them. A large number of the persons thus assessed consented to pay, and did in fact pay the amounts assessed upon them.

After so great a lapse of time, and in the absence of my books and papers, I can not from memory give the names of the persons who paid the assessments, nor the amount paid by any of them. I know, however, that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection, sent by me to the United States subtreasury at St. Louis and placed on deposit under such circumstances, to the best of my recollection, as would have enabled me to withdraw it and refund it to the parties at the proper time, but in the spring of 1863 I was relieved of the command of the Department of West Tennessee and was placed on General Grant's staff.

Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believed could control and discourage future raids; such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security, the amount based upon their ability in proportion to the loss sustained.

It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton buyers against war risks.

What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued order No. 15 to prevent further raids by compelling the co-operation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion, the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.

Cotton purchasers were not looked upon with favor in General Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

JEREMIAH C. SULLIVAN.

Subscribed and sworn to before me this 3d day of March, 1884.

[SEAL.]

JOHN E. HARVILL, Notary Public.

Now, it seems to me that he states the question so that no fair-minded man can vote against this bill, and I ask that it be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question is on the amendment reported by the committee.

The amendment was agreed to.

The CHAIRMAN. The question now is on laying the bill aside as amended, to be reported to the House with a recommendation that it do pass.

The question was put; and the Chairman announced that the yeas seemed to have it.

Mr. ENLOE. Division.

The House divided; and there were—ayes 35, yeas 45.

Mr. ENLOE. I demand tellers.

The question was put on ordering tellers; but not a sufficient number voting in favor thereof, tellers were refused.

Mr. ENLOE. No quorum.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Tennessee [Mr. ENLOE] and the gentleman from Illinois [Mr. ROWELL].

Mr. LANHAM. I do not think there is a quorum in the House, and I would prefer that the bill be withdrawn and let the business proceed.

Mr. ENLOE. As it is evident that there is not a quorum present in the House, I am perfectly willing that it should be passed over and retain its place on the Calendar.

The CHAIRMAN. If there be no objection, the bill will be passed over and retain its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM E. WOODBRIDGE.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk reported the title of the next bill, as follows:

A bill (H. R. 27) vesting the Court of Claims of the United States with jurisdiction to determine the rights of William E. Woodbridge to certain letters patent for a metallic sabot, and to render judgment in his favor for the use of the same by the Government during the war of 1861.

Mr. LANHAM. I ask unanimous consent that it be passed over and retain its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM D. WILSON.

The next business on the Private Calendar (consideration of which was asked by Mr. CATCHINGS) was the bill (H. R. 838) for the relief of William D. Wilson.

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 pay, out of any money in the Treasury not otherwise appropriated, to William D. Wilson, of Vicksburg, Miss., the sum of \$1,200, the same to be in full compensation for rent and occupation of a brick building in Vicksburg, Miss., under express contract with the said William D. Wilson by the United States Army, during a part of the years 1864 and 1865.

Mr. CATCHINGS. I desire to offer the amendment to the bill which I send up to the Clerk's desk.

The Clerk read as follows:

Amend the title by inserting, after the word "of," the words "heirs of;" and in line 5, after the word "to," insert the words "heirs of."

The amendment was agreed to; and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

LUKE REILLY.

The bill (H. R. 847) for the relief of Luke Reilly was passed over informally, retaining its place on the Calendar.

LUCIUS J. SEALS.

The bill (H. R. 5515) for the relief of Lucius J. Seals was passed over informally, retaining its place on the Calendar.

J. H. WEEKS.

The next business on the Private Calendar (called up for consideration by Mr. BRECKINRIDGE, of Kentucky) was the bill (H. R. 5516) for the relief of J. H. Weeks.

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 pay to John H. Weeks, of Fayette County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of \$2,850, being the value of quartermaster's stores taken from said John H. Weeks by the United States forces during the late war and appropriated to their use, as found by the Court of Claims.

Mr. BURROWS. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the findings of the Court of Claims in the case of John H. Weeks, report as follows:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case referred to the Court of Claims for a finding of facts under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned to the Committee on War Claims by the Court of Claims with the following finding of facts:

"[Court of Claims. (Congressional case No. 103.) John H. Weeks vs. The United States, findings of fact. Filed January 17, 1887.]

"The claim in the above-entitled suit, having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 2d of May, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 11th day of January, 1887, the court upon the proofs and evidence, after hearing Charles F. Benjamin, esq., of counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

"I. The claimant, John H. Weeks and his partner Robert A. Long, during the period of the war were loyal to the Government of the United States.

"II. During the war the said parties were partners in the livery and feed-stable business in the town of Georgetown, Scott County, Kentucky. In the years 1862, 1863, and 1864, the provost-marshal of Scott County had a large number of horses and mules fed at the stable of said parties, said horses belonging to the Government of the United States, and were in the custody and control of said marshal for the purpose of being fed and prepared for active service after being rendered unfit for use by excessive labor. During said time the said parties kept and fed horses of Company B, Eighteenth Kentucky Infantry, mounted; also Captain Parker's company of the Twelfth Kentucky Cavalry; also Captain Chorn's company of the same regiment. The said parties were

assured by said provost-marshal that the Government would pay them for feeding the horses of said commands and the horses kept by said marshal. They never received any pay for the same, so far as the proof indicates.

"The said parties dissolved partnership after the war, and the said Long assigned to the said Weeks all his interest in the claim against the United States, and does not now, as against said Weeks, own any interest in this claim. Commencing in July, 1862, and ending in the early part of 1864, the said parties kept at their stables at said place horses and mules, furnishing stabling and feed for the same; the feed furnished and care of the same were reasonably worth the sum of \$2,880 (twenty-eight hundred and eighty dollars).

"By the Court.

"A true transcript of record. Test:

"This 3d day of February, A. D. 1887.

"[SEAL.]

"JOHN RANDOLPH,
"Assistant Clerk, Court of Claims."

Your committee, therefore, recommend the payment of the amount found due Mr. Weeks by said Court of Claims, and report herewith a bill for his relief and recommend its passage.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. ALLEN, of Michigan. I would like to know how much the committee know about the proofs in this case, either as to the loyalty of the claimant or as to the justice of the claim itself. Nobody has said a word about it. If the claim ought to be paid, we will pay it, but let us not pass the bill in this way without any explanation.

Mr. BRECKINRIDGE, of Kentucky. What has just been read is the finding of the judges of the Court of Claims.

Mr. ALLEN, of Michigan. I will ask the gentleman from Kentucky [Mr. BRECKINRIDGE] whether he knows these parties personally.

Mr. BRECKINRIDGE, of Kentucky. I do, very well. I have known them thirty years.

Mr. ALLEN, of Michigan. And the statement that they were loyal during the war is true?

Mr. BRECKINRIDGE, of Kentucky. As to one of them. I think he was part of the time a member of the home guard. As to the other, he was an elderly man, and both of them were always known as Union men, members of the Union party.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REV. WILLIAM GREGSTON.

The next business on the Private Calendar (called up for consideration by Mr. STONE, of Kentucky) was the bill (H. R. 10481) for the relief of Rev. William Gregston.

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 pay Rev. William Gregston, of Caldwell County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of \$150, being for a horse taken from him by the Army of the United States during the late war.

Mr. BREWER. Let us have the report read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7571) for the relief of Rev. William Gregston, report as follows:

The claim is for a horse taken from the claimant by the Army of the United States during the late war.

The proof filed in support of the claim shows that United States troops took from the claimant in 1864 one sorrel horse, of the value of \$150, and that he has not been paid for it. The claimant was a loyal citizen.

Your committee report herewith a substitute for the bill and 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.

NORFOLK COUNTY FERRY COMPANY, VIRGINIA.

The next business on the Private Calendar (called up for consideration by Mr. BOWDEN) was the bill (H. R. 5517) for the relief of the Norfolk County Ferry Company.

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 pay to the Norfolk County ferry committee, of Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$42,300, that being the amount collected by the Quartermaster's Department of the United States Army as tolls and ferrages for the transportation of civilians, their animals, and freights, for three years and eleven months, excepting eight days, beyond the current expenses and repairs of said ferry as found by the Court of Claims.

A MEMBER. Let the report be read.

Mr. BOWDEN. The report is quite long, and if the House will accept a statement I can in two minutes explain the facts in this case.

Mr. WHEELER. I think that will be much better than reading the report.

Mr. BOWDEN. The facts are that during the war the military authorities took possession of the ferry line plying between the cities of Norfolk and Portsmouth. It was operated under military control, civilians being employed in running it. The Government transported all its troops, munitions of war, etc., free, but, after paying all expenses, there was a net profit during the time the Government had the occupancy of the ferry of some \$40,000 and odd, which was turned over to the United States Treasury.

Mr. WILSON, of Minnesota. What do you mean by "net profit?"

Mr. BOWDEN. After paying all the running expenses there was that profit left.

Mr. HEADLE. From whom was this money received?

Mr. BOWDEN. From civilians, for the transportation of their persons and property. The Government got all its ferrage free of charge.

This bill does not take a dollar of United States money out of the Treasury. It merely returns the profit obtained by the Government, after paying the expenses of running the ferry. Another feature of the case is that this ferry belongs to the corporation of the city of Portsmouth and the county of Norfolk, and these funds will go to the support of the free schools of Norfolk County.

Mr. WILSON, of Minnesota. Do I understand that the Government ran this ferry, and collected toll?

Mr. BOWDEN. Yes, sir.

Mr. WILSON, of Minnesota. Collected toll of whom?

Mr. BOWDEN. Of civilians and everybody, except the Government, who used the ferry. The Government did all its business free, but it derived this amount of profit in the aggregate from other business.

Mr. ANDERSON, of Kansas. Has the case ever been to the Court of Claims?

Mr. BOWDEN. Yes; it has been to the Court of Claims and the court have determined the amount.

Mr. BURROWS. I do not know but that this claim is all right; probably it is; but I have had placed in my hands a communication in regard to it from the Quartermaster-General that I think had better be read. It gives a history of the matter, and I do not know but it establishes the claim, as I have not examined it fully, but I ask that it be read.

The Clerk proceeded to read the communication, as follows:

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., December 29, 1865.

GENERAL: I have the honor to state that the ferry between Norfolk and Portsmouth, Va., known as the Norfolk County Ferry has been run by the United States since the occupation of those cities by our forces in May, 1862, its use being necessary for Government purposes during that time, and the property being abandoned by reason of the inability of the corporation to keep it in operation. It was first run under the direction of Capt. T. A. P. Champlin, commissary subsistence and acting assistant quartermaster, next under Capt. Edwin Ludlow, assistant quartermaster, then by Capt. H. E. Goodwin, assistant quartermaster, to the 1st of February, 1864, up to which time I am informed the employes were paid from the proceeds of the ferry. Captain Goodwin was relieved on the 1st of February, 1864, by Capt. Nelson Plato, assistant quartermaster, who took up the employes on his report of persons, etc., and credited the amount received on his account current.

Major Plato was relieved from duty at Norfolk in October, 1864, by Capt. A. P. Blunt, assistant quartermaster, and I am unable to procure any record of the expenses incurred or the amount received from the ferry during Major Plato's period of service there.

The amount of cash received from the time Captain Blunt took charge (October 1, 1864) up to the 15th of November, 1865, was \$28,207.66; the amount of Government ferrage during that period is estimated at about \$30,000; making a gross receipt of \$58,207.66.

The expenses of running the ferry for the same period, including wages of employes, cost of repairs, and supplies, is \$73,544.35, leaving a deficiency of \$15,336.69.

The ferry was ordered turned over to the corporation in the spring of 1865 by General Graham, then commanding at Norfolk, but they expressed their inability to take charge of it, and it is still held by the Government, in consequence of this inability on the part of the corporation.

The corporation has now applied to have the ferry turned over and to leave all differences to be hereafter adjusted, which means, as I am unofficially informed, that it is the intention of the corporation to bring a claim against the Government for the use of the ferry property while in possession of the Government.

The expenses and earnings of the ferry property for the week commencing on the 8th and ending on the 14th instant are as follows:

Receipts from private sources.....	\$714. 65
Estimated value of Government service.....	216. 35
Total.....	931. 00
Cost of running the ferry for the week.....	574. 00
	357. 00

The boats are, with one exception, old and are continually getting out of repair, which will still keep the ferry in debt to the Government, and would respectfully recommend that it be turned over to the corporation, under a stipulation providing against the possibility of a claim being brought against the Government for its use or to the Treasury Department for final disposition.

Your instructions are respectfully requested at an early date.

I have the honor to be, general, very respectfully your obedient servant,

WM. L. JAMES,
Colonel and Chief Quartermaster, Department of Virginia.

A true copy.

Maj. Gen. M. C. MEIGS,
Quartermaster-General U. S. A., Washington, D. C.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 1, 1866.

SIR: I have the honor to transmit herewith letters of Col. W. L. James, chief quartermaster, Department of Virginia, and Capt. R. G. Staples, assistant quartermaster, relative to the Norfolk County ferry, between Norfolk and Portsmouth, Va.

This ferry has been run at Government expense since May, 1862, the corporation being unable to operate it.

The corporation now requests to have the ferry returned to them. Colonel James reports the boats belonging to it as old and continually getting out of repair, which keeps the ferry indebted to the Government.

In view of these facts, I respectfully recommend that authority be given this department to return the ferry to the company, providing the corporation and county make an agreement to bring no claim against the United States relating to the seizure of this ferry.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General United States Army.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

[Special Orders No. 26.—Extract.]
HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., January 31, 1866.

2. The ferry between Norfolk and Portsmouth, now in possession of the mili-

tary authorities, is hereby ordered to be turned over to its owners, the county of Norfolk and the city of Portsmouth, provided, however, that all persons in the military service of the United States shall be allowed to cross upon the same free of charge.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

Colonel JAMES.

[Special Orders No. 31.—Extract.]
HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., February 6, 1866.

2. Paragraph 2, of Special Orders No. 26, C. S., from these headquarters, ordering that the ferry between Norfolk and Portsmouth be turned over to the owners of the same, is so far modified as to direct that all animals, vehicles, and material belonging to the military service of the United States be permitted to cross the same free of charge.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 10, 1866.

COLONEL: In answer to your communication of December 29, 1865, relative to the Norfolk County Ferry, you are respectfully directed to act as follows: Upon the corporation as county signing an agreement that they will bring no claim whatever against the United States relating to the seizure of this ferry, you are directed to return the same to its rightful owners or officers.

Very respectfully, your obedient servant,

GEO. D. WISE,
Brevet Brigadier-General and Quartermaster.

By order Quartermaster-General.

Col. WILLIAM L. JAMES,
Chief Quartermaster, Richmond, Va.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT VIRGINIA,
Richmond, Va., February 12, 1866.

Respectfully referred to Bvt. Col. A. P. Blunt, assistant quartermaster, with the information that I have consulted with the major-general commanding, on this subject, and he directs that such an agreement as is within extended shall be embodied in the papers turning over the ferry property in addition to the provisions of the special order issued from department headquarters relating thereto.

WM. L. JAMES,
Colonel and Chief Quartermaster.

The within is a true copy of the letter, etc.

WM. L. JAMES,
Chief Quartermaster.

[By telegraph from Fort Monroe, 1866.]

UNITED STATES MILITARY TELEGRAPH, February 16, 1866.

To Colonel JAMES:

The Norfolk County Ferry was turned over to the representatives, February 13.

I have shown Mr. Larett your communication received last evening. He will call the committee together and will report their action as soon as possible.

A. P. BLUNT,
Brevet Colonel and Assistant Quartermaster.

A true copy.

W. L. JAMES,
Colonel and Chief Quartermaster.

[By telegraph from Fort Monroe, 1866.]

UNITED STATES MILITARY TELEGRAPH, February 17, 1866.

To Colonel JAMES, Chief Quartermaster:

The Norfolk County Ferry committee refused to accept the proposition of Quartermaster-General. What shall be done?

A. P. BLUNT,
Brevet Colonel and Assistant Quartermaster.

A true copy.

W. L. JAMES,
Colonel and Chief Quartermaster.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., February 17, 1866.

GENERAL: I have the honor to state that on the 13th instant the Norfolk County ferry was turned over to its corporation, in accordance with the order of the major-general commanding.

On the same day a letter was received by me from the Quartermaster-General, in reply to my letter of the 29th of November last, directing the ferry to be turned over to its owners on their agreeing to bring no claim against the Government for its use by the military authorities.

I consulted the major-general commanding on the subject, who directed me to telegraph Colonel Blunt at Fort Monroe to insert the agreement in the papers turning over the ferry, but the telegraph was not in working order that day and I transmitted the instructions by mail.

Colonel Blunt did not receive them in time, and the ferry company refuse to comply with his request to sign such an agreement.

I would therefore respectfully request that an order be issued placing the ferry again under the control of the military authorities unless the company shall agree to the arrangements ordered by the Quartermaster-General.

I have the honor to be, general, very respectfully, your obedient servant,

WM. L. JAMES,
Colonel and Chief Quartermaster.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

Bvt. Brig. Gen. E. W. SMITH,
Assistant Adjutant General, Department Virginia.

[Special Orders No. 39.—Extract.]
HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., February 17, 1866.

3. The proprietors of the ferry between Norfolk and Portsmouth having re-

used to accept the conditions prescribed by the Quartermaster-General upon which the ferry was to be turned over to them, per Special Orders No. 26, paragraph 2, current series, from these headquarters, directing said ferry to be turned over to the proprietors of the same is hereby revoked, and the Quartermaster's Department will resume possession and control of the same.
By command of Major-General Terry.

A true copy.

Colonel JAMES,
Chief Quartermaster.

ED. W. SMITH,
Assistant Adjutant-General.

WM. L. JAMES,
Colonel and Chief Quartermaster.

WASHINGTON, D. C., 27 March, 1866.

SIR: In May, 1862, at the occupation of Norfolk and Portsmouth, Va., by the military of the United States, the ferry—Norfolk County Ferry—was taken charge of by the military, and has been held since that day by them.

The Norfolk County Ferry is a franchise or grant to the county of Norfolk. The county has had it for a number of years. The annual income, about ten or twelve thousand dollars, has been set apart for the support of our free or common school. This has been the direction of said fund. The military have received all profits from the day of its possession.

The county is now organized. It has requested a surrender of the ferry. The military hitherto propose that before said ferry shall be turned over to the proper civil authorities the said authorities shall enter into bond conditioned that the county will not hereafter set up any demand against the Government of the United States for the past use of said ferry by the military.

The county court, to whom the management of said ferry is by law committed, have refused to receive back the ferry upon such terms and conditions. I refer the subject to your judgment, and have the honor to be, Mr. Secretary, your very obedient servant,

LEOPOLD C. P. COWPER,
Lieutenant-Governor of Virginia.

Hon. E. M. STANTON,
Secretary of War.

(Indorsements:) Virginia. Washington, D. C., March 27, 1866, Leopold C. P. Cowper, lieutenant-governor. Refers for decision of the Secretary of War case of the Norfolk County ferry, held by the military forces of the United States since the occupation of Norfolk, in May, 1862.

Respectfully returned to the Secretary of War, with report.

W. A. NICHOLS,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, April 18, 1866.

Respectfully referred to Maj. Gen. A. H. Terry, commanding Department of Virginia, for report.

E. D. TOWNSEND,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, March 31, 1866.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., April 3, 1866.

Respectfully referred to Col. William L. James, chief quartermaster, for report.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., April 5, 1866.

Respectfully returned to Bvt. Brig. Gen. E. W. Smith, assistant adjutant-general Department of Virginia, and attention invited to inclosed copies of orders and correspondence on the subject.

The ferry was again taken possession of by the Quartermaster's Department, in compliance with Special Orders, No. 39, Current Series, from Department headquarters, and is still run by that department, in consequence of the refusal of the corporation to comply with the stipulations contained in the letter from the Quartermaster-General's Office of the 10th of February last.

WM. L. JAMES,
Colonel and Chief Quartermaster.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., April 9, 1866.

Respectfully returned to the Adjutant-General of the Army, and attention invited to the indorsement of Col. William L. James, chief quartermaster of this department and inclosed copies of correspondence.

JNO. W. TURNER,
Brevet Major-General Commanding.

Referred to the Quartermaster-General for report.
By order of the Secretary of War.

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

WAR DEPARTMENT, April 20, 1866.

HEADQUARTERS MILITARY DIVISION OF THE ATLANTIC,
Philadelphia, April 13, 1866.

Respectfully returned to the Adjutant-General of the Army. The papers containing the decision of the honorable the Secretary of War in this case were received at these headquarters, and referred to the commanding officer, Department of Virginia, on the same day.

GEO. G. MEADE,
Major-General Commanding.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 23, 1866.

SIR: I have the honor to return herewith the papers in the case of the Norfolk Ferry Company which have been referred to this office for report.

I would respectfully invite attention to the report made by the Quartermaster-General March 31, 1866 (copy of which is inclosed), in which I recommend as the best solution of the present difficulty that the boats and docks and other appurtenances or property belonging to the ferry company, whether repaired or not by the United States for the use of the ferry, be turned over to the owners without insisting upon their signing a release of the right to make claims. Should the ferry company present further claims against the United States, the Department has the right to reject them if considered unjust. I therefore again recommend that the boats, docks, and other property belonging to this company be returned to the owners.

I am, very respectfully, your obedient servant.

CHARLES THOMAS,
Acting Quartermaster-General U. S. Army, Brevet Major-General.
Hon. E. M. STANTON,
Secretary of War.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 31, 1866.

SIR: I have the honor to return the papers in the case of the Norfolk Ferry Company.

It seems that the company declined to conform to the conditions upon which the restoration of the ferry was ordered, namely, that the company should make no claim for the use of their property.

There appears to have been some conflict of orders coming through different channels, which it is not necessary here to recite. I recommend, as the best solution of the present difficulty, that the boats and docks and other appurtenances or property belonging to the ferry company, whether repaired or not by the United States for the use of the ferry, be turned over to the owners without insisting upon their signing a release of the right to make claims.

The United States can refuse to allow any unjust claim presented, and if the company insists upon its right and privilege to present the claims, it is not to the interest of the United States to hold the ferry any longer for the purpose of compelling or inducing them to execute any such release. The collection of information as to previous action has taken some time, and the papers, in the multiplicity of business, have, I regret to say, laid on my table for some days without being brought to my notice. This has caused the delay in making the prompt report which was due.

I am, very respectfully, your obedient servant.

M. C. MEIGS,
Quartermaster-General, Brevet Major-General.

Hon. E. M. STANTON,
Secretary of War.

WASHINGTON, March 20, 1872.

To introduce A. B. Magruder, esq., of Baltimore, to the Quartermaster-General.

W. M. DUNN.

MARCH 20, 1872.

The United States Quartermaster's Department is hereby requested to deliver to James G. Holladay, or to his order, any and all papers filed by us relating to claim of Norfolk County Ferry committee on behalf of the county of Norfolk and city of Portsmouth, growing out of the seizure, use, and occupation of the Norfolk County Ferry by the United States Government, which papers were filed in the War Department, or some department or bureau thereof.

HUGHES, DENVER & PECK,
Attorneys for Claimant.

MARCH 20, 1872.

The War Department will deliver the papers called for in the above order to A. B. Magruder, esq.

JAMES G. HOLLADAY.

QUARTERMASTER-GENERAL'S OFFICE, February 17, 1868.

True copies.

JAMES GILLISS,
Major and Quartermaster.

Mr. BURROWS (interrupting the reading). This document is very lengthy. I ask unanimous consent that it be printed in the RECORD, and the case passed over for the present, so that members may examine it. I have not examined the matter carefully myself. By this arrangement this claim will not delay other business.

Mr. BOWDEN. I think I shall have to object to that proposition.

Mr. BURROWS. It may take nearly an hour to read this document. Let it be printed in full in the RECORD and the case go over.

Mr. BOWDEN. This seems to me so plain a case that I hope it will not be passed over.

Mr. BURROWS. I have made the suggestion so as not to interfere with other business.

Mr. BOWDEN. The facts of this case have been determined by the Court of Claims.

Mr. BURROWS. I ask that this case be passed over and that the report from the War Department be published in the RECORD, so that members may examine it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that this bill be passed over informally, retaining its place on the Calendar, and that the report of the War Department be printed in the RECORD. Is there objection?

Mr. BOWDEN. I feel constrained to object. I do not believe there is a more meritorious claim on this Calendar. This bill, as I have said, does not take from the Treasury any money properly belonging to the United States; and the amount which may be paid under the bill is to go to the support of free schools.

Mr. CHEADLE. Let this report be read.

The CHAIRMAN. The gentleman from Virginia [Mr. BOWDEN] objects to the request; the reading of the report from the War Department will continue.

Mr. BREWER. So far as this report has been read, it shows an entirely different state of facts from what some of us understood upon the statement of the gentleman from Virginia.

The Clerk resumed the reading of the document.

Mr. BOWDEN (before the reading was concluded). I withdraw my objection to the proposition of the gentleman from Michigan [Mr. BURROWS].

The CHAIRMAN. Is there further objection to the request of the gentleman from Michigan?

Mr. CHEADLE. I object. I want to hear the remainder of this report read.

Mr. GROSVENOR. I hope I may be allowed a word. If the gentleman from Indiana [Mr. CHEADLE] desires to oppose this bill at this time, the reading of this document is right enough; but if he proposes to oppose it at some later time, why not have this report printed and the bill go over, so that we may now proceed with other business?

Mr. BURROWS. That was the object of my suggestion, that we might go on with other business.

Mr. CHEADLE. I withdraw the objection.

The CHAIRMAN. Is there further objection to the request of the gentleman from Michigan that this report from the War Department be printed in the RECORD, and that the bill be laid aside informally, retaining its place on the Calendar? The Chair hears no objection.

Mr. BOWDEN. I ask unanimous consent that the report of the committee be also printed in the RECORD.

The CHAIRMAN. If there be no objection, the report of the committee will be printed in the RECORD in connection with the report from the War Department. The Chair hears no objection, and it is so ordered.

The report is as follows:

The Committee on War Claims, to whom were referred the findings of the Court of Claims in the case of the Norfolk County Ferry Committee, report as follows:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in said case, transmitted it to the Court of Claims for a finding of facts in accordance with the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. Said claim has been returned to the Committee on War Claims with the following findings of facts:

[Court of Claims, December term, 1887. Congressional case No. 61. The Norfolk County Ferry Committee vs. The United States. Findings of fact and opinion filed December 19, 1887.]

The claim in the above-entitled case having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 21st day of March, 1884, and the Attorney-General, by his assistant, Louis Cochrane, esq., having appeared for the defendants, and the suit having been brought to a hearing on the 14th day of December, 1887, the court, upon the evidence and after hearing Messrs. Goode and Neely for claimant, and the said assistant for the United States, finds the facts as follows:

I.

Prior to the 1st day of March, 1858, the town of Portsmouth constituted a part of the county of Norfolk, in the State of Virginia, which county was legally seized and possessed of a ferry and ferry property, consisting of three steam ferry-boats, a wharf, and buildings, in the town of Portsmouth.

II.

The said ferry was run between the city of Norfolk, town of Portsmouth, and Washington Point, and was a source of revenue to the said county of Norfolk, the proceeds being dedicated to the payment of its public debt, to the support of its free schools, and the maintenance of its public roads and bridges.

III.

On the 1st day of March, 1858, the said town of Portsmouth was, by an act of the General Assembly of Virginia, chartered as a city, with separate jurisdiction from the said county of Norfolk, and by an act of the 21st of March, 1858, supplemental to the former act, provision was made for the disposition of the common property of the county of Norfolk and city of Portsmouth, whereby it was provided that the ferries then plying between the said city of Norfolk and the city of Portsmouth and Washington Point, known as the Norfolk County Ferry, should continue to run as then provided by law, and should be the joint and equal property of said county of Norfolk and city of Portsmouth, and should be regulated by a committee of six, three of whom should be appointed by the court of said county and three by the council of said city.

IV.

Soon after the organization of the said city of Portsmouth, in 1858, under said charter, a committee, called the Norfolk County Ferry Committee, composed of six persons, appointed jointly by the court of said county and the council of said city, as provided by law, was formed, by which said ferry was continued to be run until the 14th day of May, 1862.

V.

On the 14th day of May, 1862, the said ferry property, consisting of three steam ferry-boats, wharves, buildings, and other property incident and appurtenant to said ferry, was seized by the Quartermaster's Department of the United States for the transportation of troops, supplies, and munitions of war.

VI.

Said ferry property, being so seized, was held continuously by said Quartermaster's Department, for the use of the Government of the United States, from the said 14th day of May, 1862, until the 21st day of April, 1866, with the exception of eight days, during which it had been surrendered to its owners.

VII.

On the said 21st day of April said property was surrendered definitely and unconditionally to the said ferry committee.

VIII.

During the whole of said period, to wit, from the 14th day of May, 1862, to the 21st day of April, 1866, except the said eight days, the said Quartermaster's Department, in addition to the use of said ferry for the benefit of the Government in transporting its troops, supplies, and munitions of war, used the same for transportation of civilians, their animals and freights, and charged and collected tolls and ferriages for the same.

The amount received by the Quartermaster's Department for the three years and eleven months, except as aforesaid, commencing and ending as aforesaid, beyond the current expenses and repairs on said ferry, is the sum of \$42,300. Weldon, J., delivered the opinion of the court.

The claim embraced in the petition in this proceeding was referred to this court by the Committee of War Claims of the House of Representatives, under the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government." The petitioner, on the 14th day of May, 1862, was the owner and possessor of a ferry between the city of Portsmouth and the city of Norfolk, in the State of Virginia, and while it was so possessed, to wit, on said day, the Quartermaster's Department of the United States took possession of said ferry and its incident property; retained possession of the same for nearly four years, during which time it was used to transport troops, supplies, and munitions of war for the Government, and the transportation of property and passengers not belonging to or connected with the Army. During the said time the officers of the Army had complete control of said ferry, and charged and collected fare from persons not connected with the Government. The claim now made by the petitioner is to recover from the United States the amount collected from the general public for the transportation of property and persons not connected as aforesaid.

It is insisted by the counsel for the Government that this court has no jurisdiction to report the facts to Congress because of the exclusion contained in the second clause of the third section of said act, which is as follows:

"Nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States."

It is contended, that for the money collected from private persons, an action could have been maintained in this court, under its general jurisdiction, for money had and received, and that the limitation of six years applies to such cause of action.

If it be true, that the claimant had a remedy in the general jurisdiction of this court, then we are prevented from entertaining jurisdiction in this proceeding, and the petition should be dismissed.

The counsel for the petitioner argues that the act upon the part of the officers of the United States constituted in law an appropriation of property upon the part of the Government within the meaning of the first section of the act of July 4, 1864 (13 Statutes at Large, 381), and that by the express provisions of that law the Court of Claims was forbidden to entertain jurisdiction of a claim originating in an appropriation of property taken by the Army and Navy.

The term "appropriation" ordinarily means a taking for the use of the persons taking the property, to be used by such person to the exclusion of all persons, and especially the owner; but it is sought in this case to distinguish between the absolute property and the proceeds of such property arising from the tolls paid to the Government by persons using the ferry during the occupation of the Government.

The statute of July, 1864, provides against the bringing of a suit in the Court of Claims founded upon any demand "growing out of the destruction or appropriation" of property by the Army and the Navy during the war. The collection of tolls was incident to the use and appropriation of the Government and can not be distinguished from the property itself.

The term "appropriation" is of the broadest import. It includes all taking and use of property by the Army and Navy in the course of the war not authorized by contract with the Government.

The use may be permanent or temporary, and it may result in the destruction or mere injury to the property.

If the right to the property or to its use is not obtained by valid contract with the Government the taking or use of it is an appropriation within the meaning of the act of Congress. (Flor's case, 9 Wall., U. S. R., 45.)

Upon the question of the petitioner's right to sue under the general jurisdiction of this court, it has been held:

Where a quartermaster in Memphis, during the war of the rebellion, orders a clerk to procure a building for the Pay Department, and the clerk, without authority, promises the owner a reasonable rent, who thereupon consents to the possession being taken by the Government, the promise does not bind the defendant, and the act does not constitute a renting; but it is deemed to be military occupancy and appropriation.

The Court of Claims has no jurisdiction of a case for the occupation of a building in Memphis by military authority during the rebellion, there being no valid lease. Such an occupancy is an appropriation of property within the meaning of the act of July 4, 1864." (13 Stat. L., 381; 3 C. Cls. R., 1.)

The first section of the act of 1864 simply denies the jurisdiction of this court, without affecting otherwise the right of the petitioner. The jurisdiction thus denied was as to the general jurisdiction of the court to entertain claims and pass upon the legal rights of parties by a judicial finding in the form of a judgment.

The act under which the petition is filed is an enlargement of the jurisdiction in the finding of facts, to assist Congress in the determination of claims against the Government.

The act of July 4, 1864, does not bar the right of the claimant, under the act of March 3, 1883, to have a finding of facts upon which to predicate an application to Congress for such redress as may seem equitable under all the circumstances to award the petitioner.

In accordance with these views we have made a finding of facts from the evidence in the case.

By the court.

A true copy. Test, this 29th day of December, 1887.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee therefore recommend the payment of the amount due the Norfolk County Ferry Committee by the said Court of Claims, and report here-with the accompanying bill, and recommend its passage.

[In the Court of Claims.—No. 61.—Congressional case.]

THE NORFOLK COUNTY FERRY COMMITTEE VS. THE UNITED STATES.
Petition.—Filed June 5, 1884.—J. R.

To the honorable Judges of the Court of Claims:

The petition of the Norfolk County Ferry Committee respectfully shows to your honors:

1. That prior to the 1st day of March, 1858, the town of Portsmouth constituted a part of the county of Norfolk, in the State of Virginia, which county was legally seized and possessed of a ferry and ferry property, consisting of three steam ferry-boats, a valuable wharf and buildings in the city of Norfolk, and a valuable wharf and buildings in the town of Portsmouth.

2. That the said ferry was run between the city of Norfolk, town of Portsmouth and Washington Point, and was a source of great revenue to the said county of Norfolk, whereby it was enabled to keep its roads and bridges in repair, meet its public debt, and sustain its free schools established for the benefit of the children.

3. That on the 1st day of March, 1858, the said town of Portsmouth was, by an act of the General Assembly of Virginia, chartered as a city, with separate jurisdiction from the said county of Norfolk, and by an act of the 21st of March, 1858, supplemental to the former act, provision was made for the disposition of the common property of the county of Norfolk and city of Portsmouth, whereby it was provided that the ferries which now ply between the said city of Norfolk and the city of Portsmouth and Washington Point, known as the Norfolk County Ferry, shall continue to be run as now provided by law, and shall be the joint and equal property of said county of Norfolk and city of Portsmouth, and shall be regulated by a committee of six, three of whom shall be appointed by the court of said county and three by the council of said city.

4. That soon after the organization of the said city of Portsmouth in 1858, under said charter, a ferry committee, called the Norfolk County Ferry Committee, composed of six persons appointed jointly by the court of said county and the council of said city as provided by law, was formed, and by which the said ferry was continued to be run until the 14th day of May, 1862, when it was seized by the Quartermaster's Department of the United States for the transportation of troops, supplies, and munitions of war, and, together with the three steam ferry-boats, wharves, buildings, and property aforesaid, was held and occupied continuously by the said Quartermaster's Department for the use of the United States from the said 14th day of May, 1862, to the 21st day of April, 1866 (with the exception of eight days), when it was restored to the said ferry committee.

5. That during the whole of the said period the said Quartermaster's Department continued to charge and collect tolls and ferriages on all civilians, their animals, vehicles, and freights, and has never accounted with the said committee, county, or city for any part of the moneys so received.

6. That before the month of October, 1857, since which time the receipts of the said ferry can not accurately be ascertained, the receipts from the same were annually for several years about \$25,000, and that during the use and occu pa

tion thereof by the said Quartermaster's Department, owing to the greatly increased travel resulting from Norfolk City being occupied as military headquarters, the great influx of population, and other causes, the receipts from all sources, exclusive of officers, soldiers, and Government transportation, were greatly increased.

7. That they have no means of knowing what the actual revenues of said ferry amounted to during the greater part of the time it was run by the said Quartermaster's Department, but have ascertained from Theophilus H. Rogers, who was either superintendent of said ferry or toll-gatherer thereof under appointment of the said Quartermaster's Department during the whole time of said use and occupation, that he kept an accurate account of the receipts of said ferry from the 1st of April, 1864, to the 1st of January, 1865, and that the same at 2½ cents a passenger amounted to the sum of \$19,383.82 for the said nine months.

8. That from that time to the 10th day of July, 1865, when the charges were the same, he did not keep an account of the receipts of said ferry in consequence of a different mode of settlement having been adopted by the said Quartermaster's Department, but he is confident that the daily receipts for the intervening period rather exceeded than fell short of those between the 1st day of April, 1864, and the 1st day of January, 1865; that on the 10th of July, 1865, the toll on passengers was increased from 2½ to 5 cents, and from that time to the surrender of the ferry on the 21st of April, 1866, the daily receipts of said ferry reached, as the vouchers of the Quartermaster's Department will show, the sum of \$110, which would give as the annual receipts the sum of \$40,150.

9. That from the sworn statement of Joseph H. Porter, who was appointed superintendent of the ferry upon its surrender on the 21st of April, 1866, it appears that the daily receipts of said ferry from the day of its restoration have been on an average the sum of \$135.64, which would give the sum of \$49,508 as the annual receipts of said ferry. All of which goes to show that the receipts during the period of its occupation by the Quartermaster's Department must have been at least as much as the ordinary receipts were before the said seizure and occupation, to wit, the sum of \$25,000 per annum, and would amount during said use and occupation, to wit, from the 14th of May, 1862, to the 21st of April, 1866 (except eight days), being three years and eleven months, to the aggregate sum of \$97,915.

10. That the enjoyment by the Government of the use and occupation of said ferry for the transportation of troops, supplies, and munitions of war for the period aforesaid was worth to the Government at least the expense of running said ferry, and that the county of Norfolk and city of Portsmouth are justly entitled to receive from the United States all the moneys arising from tolls upon passengers, vehicles, animals, and freights collected by said Quartermaster's Department from civilians and others than those in the employment of the Government of the United States as moneys had and received by the Government for the use and benefit of the said county of Norfolk and city of Portsmouth.

11. That they are also entitled to receive damages for the impaired condition of said ferry and ferry property, owing to the dilapidated state they were permitted to fall into during the said use and occupation by the said Quartermaster's Department, which damages are estimated at \$10,000.

12. That an overwhelming majority of the people of said county and city were loyal to the Government and opposed to secession and disunion; that shortly after the Federal occupation, at the first State election occurring thereafter, the said county and city were reorganized as a part of the loyal State of Virginia, and have ever since been represented in the restored government of Virginia; that besides sending representatives to the Alexandria convention which abolished slavery in Virginia by constitutional amendment, and gave the assent of Virginia to the creation of West Virginia as a new State, the county of Norfolk furnished the president of that body; that the said county and city were, by the President's proclamation under acts of Congress, excepted from emancipation and other provisions applying to disloyal States and parts of States, and that from and after the 8th day of May, 1862, the said county of Norfolk and city of Portsmouth ceased to be in law and were not in fact the seat of war.

13. Your petitioners further show that this case has been referred to this honorable court for a determination of the facts therein by the Committee on War Claims of the House of Representatives under the act of Congress approved March 3, 1883, and your petitioners pray that this honorable court will so examine this case and such report make as the facts herein may warrant, and for all other proper relief in the premises.

14. Your petitioners further show that they have been duly appointed a ferry committee by the county of Norfolk and the city of Portsmouth; that they are residents respectively of said county and city, and that James G. Holladay, of the city of Portsmouth, has been appointed their attorney for the prosecution of this claim.

J. W. NICHOLAS,
THOMAS J. NOTTINGHAM,
JAMES T. DUKE,
C. S. SHERWOOD,
JOS. F. WEAVER,
E. C. BROOKS.

STATE OF VIRGINIA,
County of Norfolk, to wit:

This day personally appeared before me, Alvah H. Martin, clerk of the county court of Norfolk County and ex-officio clerk of the board of supervisors of said county, Joseph T. Duke, Thomas J. Nottingham, James W. Nichols, E. C. Brooks, C. S. Sherwood, and Joseph Weaver, the joint committee for the management of the Norfolk County ferries on the part of the city of Portsmouth and the county of Norfolk, who severally made oath in due form of law that the allegations and statements contained in the petition hereto annexed are true and correct to the best of their knowledge, information, and belief; and I do further certify that the said Joseph T. Duke, Thomas J. Nottingham, and James W. Nichols are the members of said joint committee for the management of the Norfolk County ferries on the part of Norfolk County, they having been duly elected or appointed as such by the board of supervisors of said county, as will appear by a certified extract from the proceedings of said board hereto annexed, and have duly qualified as members of said committee.

Given under my hand and the seal of said court and of said board of supervisors this 29th day of May, 1884.

[SEAL.]

ALVAH H. MARTIN,
Clerk of the County Court of Norfolk County and ex-officio Clerk of
the Board of Supervisors of said county.

STATE OF VIRGINIA, County of Norfolk, to wit:

I, Edward Spalding, judge of the county court of said county, State aforesaid, do certify that Alvah H. Martin, who hath given the preceding certificate, is clerk of said court and ex-officio clerk of the board of supervisors of said county, and that his said attestation is in due form.

[SEAL.]

EDWARD SPALDING,
Judge of the County Court of Norfolk County.

STATE OF VIRGINIA, County of Norfolk, to wit:

I, Alvah H. Martin, clerk of the county court of the said county of Norfolk and State of Virginia, do hereby certify that Hon. Edward Spalding, whose genuine signature appears to the certificate above, is the only judge of the said county court, and that all his official acts as such are entitled to full faith and credit.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office, this 29th day of May, A. D. 1884.

[SEAL.]

ALVAH H. MARTIN, Clerk.

STATE OF VIRGINIA, County of Norfolk, to wit:

I, Alvah H. Martin, clerk of the board of supervisors of said county, do certify that Messrs. Joseph T. Duke, James W. Nichols, and Thomas J. Nottingham have been duly elected by said board as members on the part of Norfolk County of the joint committee for the management of the Norfolk County and Portsmouth ferries, and that they are now serving as such members.

Given under my hand this 29th day of May, 1884.

ALVAH H. MARTIN, Clerk.

At a regular meeting of the council of the city of Portsmouth, Va., held March 4, 1884, the following gentlemen were elected to represent the city of Portsmouth on the joint committee for the management of the Norfolk County ferries: Messrs. C. S. Sherwood, Joseph F. Weaver, and E. C. Brooks.

[SEAL.]

A copy.

E. THOMPSON, JR., C. C.

JOHN H. JONES AND THOMAS D. HARRIS.

The next business on the Private Calendar was the bill (H. R. 37) for the relief of John H. Jones and Thomas D. Harris.

Mr. LANHAM. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

There being no objection, it was so ordered.

WILLIAM E. WOODBRIDGE.

Mr. STOCKDALE. House bill No. 27, a bill which proposes simply to refer a case to the Court of Claims and which makes no appropriation, was passed over awhile ago informally. I ask unanimous consent that we now return to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. STOCKDALE]? The Chair hears none. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 27) vesting the Court of Claims of the United States with jurisdiction to determine the rights of William E. Woodbridge to certain letters patent for a metallic sabot, and to render judgment in his favor for the use of the same by the Government during the war of 1861.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it pass.

Mr. HOLMAN. What is the proposition?

Mr. STOCKDALE. This bill simply proposes to refer a case to the Court of Claims.

Mr. HOLMAN. Under the Bowman act?

Mr. STOCKDALE. The only difficulty is that the case is barred by the statute of limitations; that is all.

Mr. GROSVENOR. If this bill removes the bar of the statute of limitations, that is an important matter; and the bill ought to be considered before we pass it.

Mr. HOLMAN. I understood the bill was simply to refer a case, under the Bowman act, for a report of the facts to Congress.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of William E. Woodbridge, for compensation for the use of his invention relating to projectiles for rifled cannon, for which letters patent were ordered to issue March 25, 1852, by the United States Government, and the same is hereby referred to the Court of Claims of the United States, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, according to its usual rules of procedure—

First. Whether the said Woodbridge was the first and original inventor of the said invention, and entitled to a patent therefor.

Second. To what extent the said invention has been used by the United States Government, and what amount of compensation, if any, the said Woodbridge ought to receive in equity and justice from the United States Government for the past use of said invention. And in considering and determining the compensation to be made, if any, the said court shall, if it find that the said Woodbridge was the first and original inventor of said invention, and entitled to a patent at the time of its order to issue, namely, March 25, 1852, proceed and be guided in all respects as though the aforesaid letters patent had been actually issued for the term of seventeen years from the date of the aforesaid order to issue; the court to render judgment, irrespective of lapse of time, in favor of the claimant, with the same effect as judgments generally of said court.

Mr. HOLMAN. I think the report in this case had better be read.

The CHAIRMAN. The report is eight closely printed pages.

Mr. MCREARY. I move that it be printed in the RECORD.

Mr. HOLMAN. That would not be of any utility in determining at this moment the merits of this bill. As will be observed, it removes the bar of the statute of limitations, and also provides a method of procedure on the part of the court in rendering judgment; and that judgment, of course, is to be final. It is not a case where reference is made to the Court of Claims for the mere purpose of having facts ascertained and reported to Congress. This bill proposes to confer upon the court jurisdiction to hear and determine the case, waiving the statute of limitations, and it also directs a basis on which the investigation shall proceed. So that it seems to me it is important we should hear the report.

Mr. STOCKDALE. I shall not insist on detaining the committee with this bill if the report is to be read. I desire to make a brief statement, and then if my friend from Indiana [Mr. HOLMAN] insists upon his objection I will withdraw my proposition. The only point in this case, as appears in the report, is whether this invention was the property of this claimant—a gentleman, I believe, from Massachusetts, though I have only met him casually—and if the invention was this gentleman's property, whether the Government used it, and if the Government did use it, to what extent? That is all there is in this long report.

Mr. HOLMAN. I have no objection to a bill covering those points, but this bill goes beyond that.

Mr. STOCKDALE. There was a patent allowed to this claimant in

the Patent Office in 1852, and it was deposited in the secret archives of the Government subject to his order.

Mr. ANDERSON, of Kansas. What year was the patent issued?

Mr. STOCKDALE. It was allowed in 1852, and placed in the secret archives of the Patent Office, to be issued upon his call. He never called for it until 1861. In the mean time the Government had issued a circular containing printed rules, one of which was that patents should not lie in the secret archives for a longer period than six months. Dr. Woodbridge claims that he had no notice of this circular, and that when he called for his patent the Patent Office refused to give it to him, the Commissioner giving as a reason, and the only reason, the existence of these rules. He now asks that the statute of limitations be removed, so that he can have standing in the Court of Claims to try his cause.

Mr. ANDERSON, of Kansas. Six months' bar?

Mr. STOCKDALE. Yes; he asks that the six months' bar of the statute of limitation be removed, so that he may go into the Court of Claims and have that court ascertain whether he has the right to the patent or not, as to whether he was or was not the inventor; and if so, that that court shall so render judgment.

Mr. ANDERSON, of Kansas. What is the amount of the claim?

Mr. STOCKDALE. No estimate has been made as to the amount of money involved in the claim. It is alleged that the Government used this man's invention, but to what extent has not yet been determined; that is for the court, and this bill is to take the claimant into court for that purpose.

This patent was for a sabot to a projectile, and there was no use for it to any great extent until war was about to be inaugurated. The patent was issued, but allowed left in the secret archives of the Government, as I have already stated, subject to be issued at any moment on the order of Mr. Woodbridge. He had done all that he was required to do. The Government had done all it could do, and had ordered the patent to issue whenever called for. When the war was inaugurated and there was a demand for such things, it is claimed that the Government did use this patent.

Mr. WILSON, of Minnesota. This is a claim against the Government—for what?

Mr. STOCKDALE. In the first place the claim is to secure the patent for this invention which was allowed to this claimant but has been withheld from him; and in the second place it covers the use by the Government of this gentleman's invention during the war. If the Government did use his invention it should pay him for it.

Mr. BLOUNT. Has this claim been brought before any previous Congress?

Mr. STOCKDALE. I believe the claimant tried to get Congress to appropriate money for the purpose of making an experiment of this projectile, but Congress declined to do so. The patent has been withheld from the claimant, and since then nothing has been done, or I have no information in reference to anything being done.

Mr. ALLEN, of Michigan. Were any of these projectiles used in the Southern army?

Mr. STOCKDALE. So far as we were concerned they came to us from the wrong end of the cannon. [Laughter.]

Mr. ANDERSON, of Kansas. What is the estimate of the amount of this claim?

Mr. STOCKDALE. I am not able to give any estimate. That is one of the matters that we propose to refer to the Court of Claims. If the Government used this patent, in the first place that is to be ascertained, and, if so, to what extent it was used, and the compensation is to be made upon that basis.

Mr. ANDERSON, of Kansas. Does the claim exceed \$5?

Mr. STOCKDALE. Oh, yes; multiplied many times.

Mr. ANDERSON, of Kansas. Does it amount to \$5,000,000?

Mr. STOCKDALE. No, nothing like that much, but I can not speak definitely. It can not be a very large sum, and the bill is intended only to render justice to this man.

Mr. WILSON, of Minnesota. What is the patent for?

Mr. STOCKDALE. It is for a sabot to a projectile.

Mr. ANDERSON, of Kansas. What is the object of it?

Mr. STOCKDALE. The object of it is to give greater effect to the explosive force of the powder. The sabot is made with grooves that fit the rifles of the gun, with an aperture in the center, and rests on the charge of powder or cartridge. When the projectile is driven into the gun, the rear end, being conical, inserts itself into the aperture of the sabot, and when the cartridge explodes it drives the sabot against the projectile, and the sabot, turning with the twist of the rifle-grooves, fills the grooves so that the explosive gases can not escape through them, thus utilizing all the force without losing anything by forcing the projectile to fill the grooves, causing friction, and at the same time the sabot gives a rotary motion to the projectile. These drawings show its action.

Mr. BREWER. Is there anything in the report giving information from the Patent Office in respect to this matter?

Mr. STOCKDALE. There is no information from the Patent Office except this: That the patent was issued in 1852, and that it was deposited in the secret archives of the Government, and that Dr. Woodbridge was notified it was there and subject to his order and would be

kept there until he called for it. When he did call for it in consequence of the circular to which I have referred, it was withheld from him.

Whether any of these projectiles were used during the war is one of the facts to be determined by the Court of Claims. Dr. Woodbridge alleges they were used.

Mr. ANDERSON, of Kansas. If they were used would not the presumption be this claimant would have brought suit to recover damages from the Government?

Mr. STOCKDALE. No, not necessarily. But these facts are all to be determined by the Court of Claims, and certainly there can be no objection on the part of gentlemen to a bill for that purpose.

Mr. ALLEN, of Michigan. I wish to offer an amendment to this bill.

The Clerk read as follows:

Said court shall also ascertain further whether said projectile was used by the Confederate army with the consent of the inventor, and whether he received any compensation therefor.

Mr. STOCKDALE. I have no objection to that. He is from Massachusetts, I believe; and I do not suppose he was down there giving it to the Confederates.

Mr. ALLEN, of Michigan. You can not always tell about these Massachusetts men.

Mr. HOLMAN. In a case like this, standing so long, it seems to me that Congress should be possessed of all the facts before legislating further. I therefore submit what I send to the desk as a substitute for the pending bill.

The CHAIRMAN. If there be no objection, the amendment proposed by the gentleman from Michigan will be considered as adopted.

There was no objection.

Mr. HOLMAN. I now ask for the reading of the proposed substitute.

The Clerk read as follows:

Strike out all after the enacting clause, and insert:

"That the claim of William E. Woodbridge for compensation for the use of his invention relating to projectiles for rifled cannon, for which letters patent were ordered to issue March 25, 1852, by the United States Government, be, and the same is hereby, referred to the Court of Claims of the United States, which court shall inquire into the facts of said claim under existing law and report to Congress all the facts found without reference to the statute of limitation."

The CHAIRMAN. The question is on agreeing to the substitute which has just been read.

Mr. BLOUNT. I wish to ask a question, as I have not had an opportunity to read the report, and it has not been read from the desk. Was not a patent refused in this case by the Commissioner of Patents?

Mr. STOCKDALE. No, sir; it was ordered to be issued and papers were all made out, and we have in the proof that Dr. Woodbridge was notified at his home in Massachusetts, I think it was, of the fact that the patent had been allowed and that at his request it would be held in the secret archives of the office subject to his directions as to the time of issuance.

Mr. BLOUNT. What is the "decision" referred to here in the report?

Mr. STOCKDALE. To what decision do you refer?

Mr. BLOUNT. I quote from the report:

I must object to any disturbance of the decision of Commissioner Eubank, as announced in his letter of April 15, 1852, such action being contrary to the rule of the office, which declares that a decision deliberately made and approved by one Commissioner shall not be disturbed by his successor.

Mr. STOCKDALE. That decision refers to the fact that after the issuance of the patent and the placing of it in the secret archives of the Patent Office the circular of 1854 was issued with reference to allowing patents to remain there in the secret archives for a period not longer than six months. Dr. Woodbridge, not being notified of that fact, claimed that he was entitled to have the patent issued.

Mr. BLOUNT. Did the Commissioner of Patents decide otherwise?

Mr. STOCKDALE. Yes, sir; he decided otherwise by reason of the issuance of that circular. Not that the patent was not good, but because of this circular. He held that the circular having been issued, and the patent not taken out within the time fixed by the circular, it operated as a bar.

Mr. HOLMAN. I think we ought to waive that.

Mr. STOCKDALE. And the Commissioner of Patents would not set aside a decision of a former Commissioner. You will notice, however, that the decision is not upon the merits of the case at all, but had regard solely to the question of practice in the office as to the length of time these patents could remain in the secret archives. The decision does not claim to be on the merits, but that he regarded it as *res adjudicata*, if I may use the term; that the present Commissioner could not go back and reverse a decision of a former one.

The CHAIRMAN. The question is on agreeing to the substitute proposed by the gentleman from Indiana.

Mr. STOCKDALE. I wish to be heard on the substitute. That just destroys the whole effect of this bill. The substitute provides simply to go there and ascertain facts regardless of the statute of limitations.

Mr. HOLMAN. That is waived.

Mr. STOCKDALE. I say regardless of the statute. There is nothing in the world in the substitute to show what facts we want to as-

certain. "Ascertain all the facts." All what facts? It just simply wipes out the bill and puts into its place nothing. A certain formulated state of facts should be ascertained if it goes to the Court of Claims, we think. The court ought to decide something. It might decide that it had been issued and put in the secret archives of the Patent Office, and that this decision was made about which the gentleman from Georgia inquired. There is no basis of fact upon which the Court of Claims could find anything. We know now all the facts that would be divulged by such an inquiry.

Mr. BLOUNT. Are not most of the facts of record anyway?

Mr. STOCKDALE. Everything is of record except the single fact, how much, if any, the Government used the patent, or if it used it at all. Now, I say if that be true, as stated in this record evidence, that the Government of the United States was simply a bailee, and had no more right to use the property of Dr. Woodbridge than I had, but did use it; then if it did use the patents of this man in its efforts to suppress the Confederate war, as a gentleman over the way said awhile ago, the Government ought to pay for the brains of the men that it used to furnish material by which they could accomplish their great purpose.

I hope the substitute will be rejected.

Mr. WILSON, of Minnesota. Is it shown that he forfeited the patent?

Mr. STOCKDALE. That is for the court to decide.

Mr. HOLMAN. I wish to say a word in answer to my friend from Mississippi. The substitute proposes to accomplish everything that I think could be fairly asked in a case like this. In other words, it waives the statute of limitations and permits the Court of Claims to make inquiry in the question presented and report to Congress upon the facts.

My friend from Mississippi says the substitute accomplishes nothing. Let us see. The claimant urges that he was entitled to his patent; that it was issued but not delivered, and that his discovery was used by the Government. He alleges that it was valuable, and that he is entitled to a given sum for the use of the patent by the United States during the late war.

These are all matters to be inquired into and reported upon to the House, waiving, as I have said, all rights under the statute of limitations. I think in a case like this, where the mere fact of the issuance of the patent is involved in a technical question of office practice, that that point might well be waived, and also that any bar of the statute of limitations ought to be removed. I am perfectly willing to do that, and think it ought to be removed, but I am not willing to go beyond it. Let us learn the facts before we attempt to legislate upon the subject.

Mr. STOCKDALE. Let me ask of the gentleman from Indiana, if we ascertain the facts before we go to the Court of Claims, what use is there to go to the Court of Claims? The gentleman wants to furnish a judgment for the Court of Claims.

Mr. HOLMAN. We will furnish our own judgment when the facts are ascertained. The gentleman wishes to give to the Court of Claims final jurisdiction of claims of this kind, and I do not think it ought to be done after this long lapse of time. I request that the substitute be again reported.

The substitute was again reported.

The question was taken on the adoption of the substitute; and the Chairman announced that the ayes seemed to have it.

Mr. STOCKDALE. Let us have a division.

The House divided; and pending the announcement of the result of the count.

Mr. STOCKDALE said: I ask by unanimous consent to pass the bill over and that it shall retain its place on the Calendar.

Mr. HOLMAN. I think the substitute ought to be adopted.

Mr. BREWER. If the bill be withdrawn with the expectation of calling it up again the report should be printed.

The CHAIRMAN. Is there objection to the bill being withdrawn and retaining its place on the Calendar? The Chair hears none, and it is so ordered. The Clerk will report the next bill.

JOHN FARLEY.

The next business on the Private Calendar (the consideration of which was asked by Mr. McCREARY) was the bill (H. R. 341) for the relief of John Farley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John Farley, of Madison County, Kentucky, the sum of \$118.28, which shall be in full of the amount due him for commissary supplies furnished the Army of the United States in 1862.

Mr. McCREARY. I ask for the consideration of that bill.

Mr. BREWER. Let the report be read.

Mr. McCREARY. I will make a statement of the facts.

Mr. BREWER. I withdraw my request that the report be read, and will be satisfied with the statement of the facts by the gentleman from Kentucky.

Mr. McCREARY. Mr. Chairman, John Farley is a citizen of Richmond, Ky. He was a grocery merchant in 1862, and is a grocery merchant now. This claim is for \$118.28 for commissary stores furnished the Sixty-sixth Indiana and Ninety-fifth Ohio Regiments Volunteers in

1862. These supplies consisted of sugar, flour, coffee, and other things. His claim was presented to the Commissary-General, but at that time he did not know where the commissary of the Sixty-sixth Indiana Regiment resided. Subsequently, however, he ascertained where Captain Hay resided, and there is now filed in the papers of the case the affidavit of Captain Hay showing that these articles were obtained for the use of the two regiments referred to; that they were needed and that they were used by the soldiers of those two regiments.

The loyalty of John Farley is proven by Captain Hay and by a number of very good citizens, and I hope the bill will pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCINDA M'GUIRE.

The next business on the Private Calendar (consideration of which was asked by Mr. PHELAN) was the bill, (H. R. 5871) for the relief of Lucinda McGuire.

Mr. PHELAN. I ask consideration of this bill, and that Senate bill 102 be substituted and the bill H. R. 5871 be laid on the table.

There was no objection, and the Senate bill was substituted for the House bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Lucinda McGuire, of Memphis, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of \$10,260, in full compensation for the use of her premises Nos. 195 and 197 Main street, in the city of Memphis, Tenn., from March 24, 1863, until June 1, 1865.

The report (by Mr. FAULKNER) was read, as follows:

The Committee on Claims, to whom were referred the bills (S. 77 and S. 102) for the relief of Lucinda McGuire, having considered the same, submit the following report:

This claim has so frequently been brought to the attention of both the Senate and House of Representatives, and the reports to Congress, made by the Committee on War Claims to the House, so conflicting, that it seems proper the facts on which the claim rests and the objection to its allowance should be stated, that the questions involved may be fairly and judicially passed upon.

Lucinda McGuire was the only child of William Lawrence, who died intestate in 1854. Subsequent to his death the county court of Shelby County, Tennessee, appointed a commissioner with power to invest \$12,000 in real estate for the use and benefit of his heir. Under this authority two business tenements, situate in the city of Memphis, were purchased. Fire having destroyed the improvements on these lots, there were afterwards erected on the same property two buildings which were known as the Webster Block. The claim of the petitioner for rent has reference to the property above described. It is as follows:

The United States to Lucinda McGuire, Dr.

For rent of two rooms in premises 195 and 197 Main street, Memphis, Tenn., from January 25, 1863, to March 24, 1863, at \$25 per month.....	\$98.34
For rent of entire premises from March 24, 1863, to May 31, 1865, at \$4.00 per annum each.....	17,456.66
For direct damage and injury done said property during and by reason of said occupation.....	5,000.00
	22,555.00
Less amount paid on account by R. E. Clary, deputy quartermaster-general, United States Army.....	1,526.78
	21,028.22

The evidence is full and satisfactory that the two small rooms on the second floor (mentioned in the first item of the account) were occupied between the dates charged by the "patrol and provost guard" of the Army. The possession taken of these rooms by the Government, and the use for which they were appropriated, negatives any implied promise upon the part of the Government that rent would be paid for their occupancy. It was simply one of the incidents of the war, and presents no legal or equitable ground as the basis of an appeal to the justice of the Government. Your committee would therefore recommend that so much of said claim be disallowed.

The evidence to sustain the third item of the account, to wit, \$5,000, "for damages and injury done said property," is unsatisfactory and insufficient to support the claim, without suggesting other objections to its allowance, which appear in evidence. It is, therefore, further recommended that this item be also disallowed.

The fact that the two properties above described belonging to the petitioner were used and occupied by the Government for the purposes of a hospital between the dates charged in the account, is fully and satisfactorily shown by the record, and the only questions for the consideration under the facts proven are—

1. Should the Government pay to the owner of the property a fair and reasonable rent for its use and occupation as a hospital? and if so,

2. What, under the evidence, would be a proper allowance?

The facts developed by the testimony bearing on this question are:

On the 24th of March, 1863, H. D. Connell, who was then occupying said property, received the following note from the "rental agent" of the Government:

"SIR: You will deliver to the bearer the keys to the houses in the Webster Block, now in your possession.

"RENTAL OFFICE, March 24, 1863.

"G. W. VAUGHN, Rental Agent.

"H. D. CONNELL."

The records of the bureau of the Quartermaster-General for September 14, 1863, show that A. H. Eddy, "assistant quartermaster and rental officer," returned this property as in the occupation of the Government, and that it was being used as a hospital.

On the 31st of October, 1864, L. S. Leonard, at that time "rental agent," in reply to an inquiry of Col. R. E. Clary, deputy quartermaster-general, said:

"I have the honor to report that Miss Lawrence has never filed any application in this office in regard to her title to this property."

From this letter the inference is reasonable and fair that some one was urging that the interests of this lady should be protected, and this inference is strengthened by the facts shown by the testimony, that within a few days after this date, at the November term of the county court of Shelby County, J. G. Lonsdale was appointed her guardian.

When the Government took possession of this property the owner was only fourteen years of age, and, so far as the evidence discloses, there was no one authorized to represent her with whom a valid and binding contract for its rental could have been made.

After the appointment of Mr. Lonsdale as her guardian, eighteen months after

possession had been taken by the Government, we find from the records of the Quartermaster-General's Bureau that the interests of this minor were protected by him, and that from the 18th of February, 1865, until the 31st day of May, 1865, he was paid the sum of \$450 per month for the rent of said buildings.

On June 1, 1865, R. E. Clary addressed the following letter to the guardian of the claimant:

"DEPUTY QUARTERMASTER-GENERAL'S OFFICE,
"Memphis, Tenn., June 1, 1865.

"SIR: The two buildings in the Webster Block, heretofore rented from you for military purposes, being no longer required, the rent for which will cease on the 31st May, 1865.

"Respectfully, your obedient servant,

"R. E. CLARY,
"Deputy Quartermaster-General.

"J. G. LONSDALE, Esq., Memphis, Tenn."

This claim was presented to the Third Auditor for audit, and on March 6, 1874, was rejected, upon the grounds that no contract, either expressed or implied, had been proven.

On the 22d of April Comptroller W. W. Upton, in a clear and judicial opinion, in reviewing the case, held—

"It is clear that because of the nonage of the claimant she could not have been disqualified on account of disloyalty, and, in fact, there is no evidence tending against her in that regard, and if the occupancy had been by agreement of parties, or if for any other reason the case was one which the accounting officers are empowered to settle, I see no reason why, in justice and equity, the claimant should not receive the reasonable rental value of the premises during the unpaid portion of the time the premises were occupied. But because it was not proven that the premises were occupied in pursuance of a contract, I am satisfied I have no official authority to determine what amount should be paid."

The Comptroller in his opinion recognizes the fact that the evidence discloses that there was no one who could legally have entered into a contract on behalf of the claimant for the rental of the said premises, and suggests this as the probable explanation why such a contract was not made at the time possession was taken by the Government.

The Department could grant to the petitioner no relief unless the claim had clearly been brought by the evidence within the provision of the statutes conferring upon the Comptroller jurisdiction of the subject, which, in this case, could only have been done by the introduction of satisfactory proof that at the time possession was taken by the Government a contract had been entered into for the rental of the property between the parties. This proof could not have been furnished as the owner was not *sui juris*, and no guardian had been appointed to protect her interest. Relief can, therefore, be given to her only through the action of Congress, and in the opinion of the committee she is entitled to a fair and reasonable rent for the use of her property.

2. What, under the evidence, would be a just compensation to the petitioner for the use and occupancy of the said property? Not \$8,000 a year, as claimed in the account filed, although the property rented for that sum prior to and subsequent to the war.

In the opinion of the committee, the amount fixed by the agreement of the parties, after the appointment of a guardian for the claimant, to wit, \$450 per month for the two buildings, or \$5,400 per year, seems to be the true measure of compensation, as evidenced by the payment by the Government and the receipt from the guardian. Under this view the account with the Government should be stated as follows:

The United States to Lucinda McGuire, Dr.

To rent of both properties from the 24th of March, 1863, to May 31, 1865 (two years, two months, and six days), at \$450 per month..... \$11,790.00
Less amount paid on account of rent by the agent of the Government..... 1,528.78

Balance due claimant..... 10,263.22

Your committee report Senate bill 102 favorably, and recommend its passage; and further recommend that Senate bill 77 be indefinitely postponed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection, and it was so ordered.

MARTHA L. RUSSELL AND OTHERS.

The next bill on the Private Calendar was the bill (H. R. 565) for the relief of Martha L. Russell, Mary A. Howse, and Lula H. Howse.

Mr. STONE, of Kentucky. The gentleman who is interested in this bill, but who is not present at this time, wants it considered. The title should be corrected, as Martha L. Russell is dead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Martha L. Russell, Mary Alice Howse, and Lula H. Howse, heirs at law of John C. Howse, deceased, late of Rutherford County, Tennessee, \$10,975, being the amount allowed by the Quartermaster-General for quartermaster's stores taken and used by the Army.

Sec. 2. That the said payment of \$10,975 shall be a full and complete settlement of all claims against the United States, of every kind and character, arising out of the appropriation and use by the Army of supplies or stores from said claimants.

Mr. BREWER. I demand the reading of the report.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 565) for the relief of the heirs of John C. Howse, deceased, submit the following report: This case was considered by the Committee on War Claims of the Forty-ninth Congress, whose report is as follows:

[House report No. 2516, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4292) for the relief of the heirs of John C. Howse, deceased, submit the following report:

The claim presented embraces items for quartermaster's stores stated at \$20,197; for commissary supplies, \$3,645; total, \$23,842.

The claims were presented, under the act of July 4, 1864, to the Quartermaster-General, United States Army, and to the Commissary-General of Subsistence, United States Army. That portion of the claim embracing subsistence supplies was considered by the Commissary-General of Subsistence July 23, 1868, and rejected because, as was decided by the Commissary-General, "it was a case requiring special or further legislation for its settlement."

That part of the claim embracing quartermaster's stores was considered by

the Quartermaster-General, April 16, 1867, and the following decision was rendered:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 16, 1867.

SIR: I have the honor to return, with report, a claim in favor of Martha L. Russell, Rutherford County, Tennessee, for value of 15 horses, \$1,875; 10 mules, \$1,300; 4,000 bushels of corn, \$4,000; 38 stacks of fodder, \$570, and 3,500 cords of wood, \$10,500, referred to this office by the War Department February 19, 1867 (\$18,245). It is stated by the claimant in her application that these stores were taken and used by the United States forces of the Twenty-first Army Corps, under General Crittenden, which was encamped on her premises near Murfreesborough, Tenn., during the battle of Stone River, on or about December 30, 1862.

The evidence of former officers of the corps, including the affidavit of L. Russell, assistant surgeon Second Kentucky Volunteer Infantry (now the husband of claimant); George W. Griffith, brevet major Second Kentucky Cavalry; Capt. E. A. Otis, assistant adjutant-general, and Capt. I. R. Paul, commissary of subsistence, together with the testimony of other credible witnesses, is presented in support of the claim. The officers referred to respectively state that they were present and witnessed the occupation of the plantation by the forces under General Crittenden; that the hospitals and corps headquarters were established there; that the Army was then in need of supplies, and that everything necessary found on the premises was taken and applied to the use of the command.

It is stated in evidence, in explanation of the reason why receipts were not issued, that the proper officers were not accessible to claimant, who was then a widow, and that the sudden movement of the troops precluded the possibility of their being obtained.

Affidavits of citizens of the vicinity, certified to be credible, are also presented in proof of the loyalty of claimant and the justice of her claim.

The case was referred by this office, February 21, 1867, to Bvt. Brig. Gen. Thomas Swords, assistant quartermaster-general, for special investigation and report as to the merits of the charges for the quartermaster stores mentioned.

Capt. E. B. Kirk, assistant quartermaster-general United States Army, as is shown by indorsement of General Swords, was detailed to proceed to Murfreesborough and make a special and thorough investigation of all the facts in the case. His report has been forwarded, and is as follows:

"OFFICE ASSISTANT QUARTERMASTER,
"Nashville, Tenn., March 31, 1867.

"Respectfully returned to Brigadier-General Swords, assistant quartermaster-general.

"Upon a full personal investigation of the inclosed claim of Mrs. Russell, I have the honor to report that the commands specified within did actually occupy her plantation as stated, and from all the evidence I have been able to obtain it is my opinion that all the property for which this claim is made was taken by the United States Army.

"I find that about 1,060 cords of wood mentioned within were fence-rails, being some 80,000 in number; twenty-six log cabins torn down and burned would average five cords per building; the balance of the wood was in the tree, and was not worth over \$1 per cord. Corn was not worth over 75 cents per bushel at that time. The prices charged for the horses, mules, and fodder are considered reasonable and just.

"I would respectfully recommend that this claim be allowed on the basis of this indorsement.

"E. B. KIRK,
"Assistant Quartermaster, U. S. A."

I respectfully recommend the following allowance for such of the items as are properly chargeable to this department:

For 15 horses.....	\$1,875
For 10 mules.....	1,300
For 4,000 bushels corn.....	4,000
For 38 stacks fodder.....	570
For 2,310 cords of wood in the tree.....	2,310
For 1,060 cords of wood, rails (shown by the affidavits to have been used to keep the wounded from freezing).....	2,120

Amounting to..... 10,975

The remainder of the charges for wood contained in the cabin is recommended for disapproval, the destruction of these buildings being regarded as deprecations on the part of the troops.

I have the honor to remain, sir, your obedient servant,
D. H. RUCKER,
Acting Quartermaster-General, Bvt. Maj. Gen., U. S. A.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

The act of July 4, 1864, required that the findings of the Quartermaster-General should be reported to the Third Auditor of the Treasury, but by some unaccountable error the decision in this case was reported to Edwin M. Stanton, then Secretary of War. The case was returned by the Secretary of War to the Quartermaster-General, and, pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

The claimants in the case are the heirs of John C. Howse, deceased, who died in 1855. They are his widow and three children, girls, the oldest of whom was, at the time this property was taken, eleven years of age. Your committee have therefore examined carefully into the loyalty of the widow.

If the claim had been reported to the Third Auditor of the Treasury, as the act of July 4, 1864, directed, it would undoubtedly have been paid, as allowed by the Quartermaster-General, at \$10,975, in 1867, but the error of the Quartermaster-General caused the delay. Inasmuch as the claim was carefully examined by the Quartermaster's agent and allowed by the Quartermaster-General in 1867, and as the evidence fully justifies the decision then made, your committee have carefully examined the question of loyalty, which was the ground upon which the Quartermaster-General rejected the case in 1880.

Three of the claimants were minors (girls). Their loyalty will not be questioned. The widow was remarried in 1865, during the month of January, to Leonidas Russell, who was an officer in the Union Army.

Upon the question of loyalty the papers disclose the following official orders:

HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1861.

Mrs. Howse having applied to these headquarters for the protection of a safeguard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesborough.

MEDICAL DIRECTOR'S OFFICE, DEPARTMENT OF THE CUMBERLAND,
Headquarters, March 4, 1863.

SIR: The general commanding directs that rations are to be issued to Mrs. Howse and servants. She is to pay for them if practicable; if not, the rations are nevertheless to be issued.

By order of the medical director, Department of the Cumberland.

JAMES F. WEIDS, A. S., U. S. A.,

Assistant Medical Director, Department of the Cumberland.

It seems remarkable to your committee that in view of the foregoing orders issued about the time her property was taken, and in face of a large number of affidavits of Army officers, any question could be raised as to the loyalty of Mrs. Howse (now Mrs. Russell). Your committee are satisfied, after a careful examination of the evidence, that the only testimony impeaching Mrs. Howse's loyalty emanated from personal enemies of her second husband, Dr. Leonidas Russell, who occupies a prominent part in the politics of Rutherford County, Tennessee; and upon this question an agent of the Quartermaster-General, specially detailed to investigate the facts, reported under date of July 2, 1880:

"Against her loyalty are certain charges, made against the conduct of her second husband since the war, by men who had very emphatically sworn to her loyalty as a matter of personal knowledge.

"But it is opposed by an overwhelming mass of contrary testimony, much of it from persons equally entitled to credence and having a longer acquaintance, and claimant would seem to be entitled to the benefit of the great preponderance of the testimony in her favor.

"She is entitled to the benefit of testimony in her favor, which greatly preponderates, and I report her loyal."

Your committee are satisfied, after a careful examination of the evidence, that Mrs. Howse (now Mrs. Russell) was loyal to the Government of the United States, and this appears to be the only point questioned by the Quartermaster-General in his decision of 1880.

The claims presented are for \$23,842. The claimants now propose to accept \$10,975, the amount allowed by the Quartermaster-General in 1867, as a full settlement of all claims and demands against the United States, because, owing to the long lapse of time since the claim originated, as well as the unsettled condition of the country at that time, it will now be extremely difficult, if not impossible, to secure competent testimony to establish the claim in the Court of Claims; and claimants contend that the report of Captain Kirk was made after a personal examination by him very shortly after the property was taken, that the action of the Quartermaster-General in 1867 was in accordance with law, and the sum allowed should be paid.

We are clearly of opinion that payment should be made for the property taken, and think, under all the circumstances, that the amount allowed by the Quartermaster-General should be, as is proposed by claimants, accepted by all parties as final; and we therefore recommend that the bill do pass.

Your committee, after due consideration, fully concur with the conclusions reached in the foregoing report. The property charged for consists of stores and supplies taken and used by the United States Army at a time when such necessary articles could not be furnished by the Government, and compensation should be made therefor. The settlement of the claim by the Quartermaster-General in 1867 should be held as conclusive, and we therefore recommend that the bill do pass.

Mr. CHEADLE. I move to strike out the name of Mary L. Russell, in line 5, section 1. Mary L. Russell was the widow, but she is now dead.

The amendment was agreed to.

Mr. THOMAS, of Wisconsin. I have no doubt it is perfectly just and reasonable, providing the circumstances are such that this kind of claims should be paid. I dissented from the majority of the committee, but made no minority report. At the time the property was taken war was flagrant at and near Stone River, and the question is whether we ought to allow claims of this kind under the circumstances or not. The claimant in this case was loyal, and I submit to the House whether it is not the duty of every citizen who happens to be in the neighborhood of a battle to contribute of their means for the support of the Army. That is a question which causes me to have a great deal of doubt about such claims. If this bill is passed it will be an announcement that this is the standard for such claims.

Mr. CHEADLE. I desire to call the attention of the committee to the fact that the evidence before the Quartermaster's Department finds the loss of these parties to exceed \$23,000.

Mr. THOMAS, of Wisconsin. Permit me to say that I am of the opinion that the claim is perfectly just as to the amount.

Mr. CHEADLE. The Quartermaster's report favored the demand of \$10,795, and the heirs are willing to accept as payment in full of their claim \$10,975 instead of the \$23,000; and there is no question as to the loyalty of the claimant.

Mr. ALLEN, of Michigan. Why has this claim not gone to the Court of Claims?

Mr. CHEADLE. It was allowed in 1867 by the Quartermaster's Department. It has been reported to Congress and has passed one House three times, and the other two or three times, and has failed simply by reason that it could not be reached for consideration in both Houses in the same Congress.

Mr. ALLEN, of Michigan. Has it ever been in the Court of Claims?

Mr. CHEADLE. I do not think it has.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I will remind my colleague [Mr. CHEADLE] that these 4th of July claims amount in the aggregate to something like \$64,000,000. There are a great many of them in our own State as well as along the border. The law of the 4th of July, 1864, applied only to the loyal States and to Tennessee and West Virginia, and the claims filed under the law with the Quartermaster-General amounted to over \$64,000,000. Those claims have been in progress of settlement for over twenty years, and have been paid at the rate of about \$300 a year, the accounting officers of the Treasury reporting to us at the com-

mencement of each Congress the amount of claims allowed during the preceding year. A very large number of these claims were rejected on the ground that the Quartermaster-General could not certify to the loyalty of the claimants, and a much larger number of them were very materially reduced. We have now reached a point where these claims are substantially disposed of. A few hundred thousand dollars more and perhaps two years more of work with a very reduced force will close them up and bring to an end the business under the 4th of July law.

These claimants, all of them, have had their day in court. I am the more familiar with this question because a large number of these claims arose in my own Congressional district. Wherever the Morgan raiders went through Indiana Hobson's pursuit resulted in a large number of claims, because he impressed into the service mules, horses, wagons, and everything that was necessary for the supply of a moving army. These "4th of July claims," I say, have been substantially adjusted. The facilities for investigating them were better than could be afforded by a court of justice, for the reason that the Quartermaster-General sent out men who in each case made an examination upon the ground—men, I presume, of proper capacity for such duties, who were paid very handsome salaries, with an additional allowance for expenses. Up to within a short period it has been thought that the claims decided by the Quartermaster-General ought to be allowed to rest, that they had had their day in court; and after this case has been decided by an unusually competent Quartermaster-General—because the man who held that position in 1880 was a man of acknowledged ability and experience—and when he has found himself unable to certify to the loyalty of the claimant, does my colleague think it is safe to reopen this case, to begin reopening these claims and reversing the decisions of the tribunal to which they were authorized by law to appeal?

If some of these claimants here and there are to come in and have their claims considered in Congress and have the decisions of the Quartermaster-General reversed, we might just as well take up the whole body of these rejected Fourth of July claims, which exceed in amount \$30,000,000.

Mr. CHEADLE. But the amount claimed in this bill is the amount which was allowed by the Quartermaster-General. The difficulty in this case was that in 1880 a question was raised as to the loyalty of the second husband.

Mr. HOLMAN. Certainly. I am not raising any question here upon the ground that this claim is not properly made up, or upon the ground that it arose at the seat of war. The point I am making is, simply, that after the facts were ascertained and the Quartermaster-General had decided the case in the first instance, before final action was taken by the accounting officers of the Treasury, it came to the knowledge of the then Quartermaster-General that there was doubt about the loyalty of the claimant, and he had the question inquired into and it was decided adversely. Now, I ask my colleague again: Can we afford to take up these cases one by one and reverse the Quartermaster-General's decisions? If so, there are claims amounting to hundreds of thousands of dollars in our own State which have not been examined, and those have a right to demand a hearing here as well as the great body of claims, amounting to over \$30,000,000, which have been heard and rejected since 1864.

Mr. CHEADLE. My colleague is aware that subsequent to the finding of the Quartermaster-General the Department became thoroughly satisfied upon the question of loyalty.

Mr. HOLMAN. If that was the case, why was not this claim paid in the ordinary way?

Mr. CHEADLE. I can not tell you that, but if you read the report you will see that I am right.

Mr. HOLMAN. The gentleman must labor under a misapprehension on that point, because at the commencement of each Congress the Quartermaster-General certifies to us the claims that have been allowed during the preceding year, and they are embodied in a single bill called the 4th of July bill. Therefore there must be some mistake, because under the law, if the gentleman's statement were correct, this claim would have come here with the other claims, would have gone into the 4th of July bill, and would have passed as a matter of course. The last finding I have seen in these papers is that of 1880 upon the re-examination of the case when the question of loyalty was raised. But I merely rose to call the attention of my colleague to the danger of reopening up these claims.

Mr. CHEADLE. The question raised was as to the loyalty of the second husband of the claimant. Upon investigation it was ascertained that, instead of being disloyal, he was for four years an assistant surgeon in the Union Army. The first husband died four years before the war commenced. As the record shows, it has been proved to the satisfaction of the commanding officers that this widow was a loyal woman, and the question of loyalty can not be raised as to the minor heirs.

Mr. HOLMAN. If there is any report made by the Quartermaster-General since 1880, when he said he could not certify as to the loyalty of the claimant, I should be glad to hear it.

Mr. CHEADLE. I ask the Clerk to read the latter part of the finding of the committee on that subject.

The Clerk read as follows:

Your committee are satisfied, after a careful examination of the evidence, that the only testimony impeaching Mrs. Howse's loyalty emanated from personal enemies of her second husband, Dr. Leonidas Russell, who occupies a prominent part in the politics of Rutherford County, Tennessee, and upon this question an agent of the Quartermaster-General, specially detailed to investigate the facts, reported under date of July 2, 1880:

"Against her loyalty are certain charges made against the conduct of her second husband since the war by men who had very emphatically sworn to her loyalty as a matter of personal knowledge.

"But it is opposed by an overwhelming mass of contrary testimony, much of it from persons equally entitled to credence and having a longer acquaintance, and claimant would seem to be entitled to the benefit of the great preponderance of the testimony in her favor.

"She is entitled to the benefit of testimony in her favor, which greatly preponderates, and I report her loyal."

Your committee are satisfied, after a careful examination of the evidence, that Mrs. Howse (now Mrs. Russell) was loyal to the Government of the United States, and this appears to be the only point questioned by the Quartermaster-General in his decision of 1880.

Mr. CHEADLE. The special agent appointed to make investigation reports that she is loyal.

Mr. HOLMAN. But the Quartermaster-General does not; that is the trouble.

Mr. CHEADLE. I ask the Clerk to read another paragraph which I have indicated in the report.

The Clerk read as follows:

HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1862.

Mrs. Howse having applied to these headquarters for the protection of a safeguard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesborough.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

C. M. STINSON.

Mr. GEAR. I ask unanimous consent for the consideration of the bill (H. R. 3595) for the relief of C. M. Stinson.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$100 be, and is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated, for the payment to C. M. Stinson, late a sergeant of Company A, One hundred and seventeenth Regiment of Ohio Volunteer Infantry, in full compensation for expenses for board, livery hire, railway fare, and other necessary expenses incurred by him while in command of a party on detail service for the arrest of deserters, as shown by the records of the War Department.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill; which was laid aside to be reported to the House with the recommendation that it do pass.

Mr. LANHAM. I now move that the committee rise.

Mr. STONE, of Kentucky. I would like to ask unanimous consent to have one more bill considered before the committee rises.

Mr. LANHAM. I withdraw my motion.

J. H. BUGG AND OTHERS.

Mr. STONE, of Kentucky. I ask unanimous consent for the present consideration of the bill (H. R. 10401) for the relief of J. H. Bugg and others.

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 pay J. H. Bugg, late captain Company B, Seventeenth Kentucky Cavalry, the pay and emoluments of a captain of cavalry from October 23, 1864, to April 25, 1865, and to J. T. Guess the pay and emoluments of a first lieutenant of cavalry from October 23, 1864, to April 25, 1865, and to Nathan Fraick the pay and emoluments of a second lieutenant of cavalry from October 23, 1864, to April 25, 1865, out of any money in the Treasury not otherwise appropriated.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill; which was laid aside to be reported to the House with the recommendation that it do pass.

PILOT AND CREW OF STEAMER PLANTER.

Mr. CANNON. I desire consent to call up the bill (H. R. 3580) for the relief of the pilot and crew of the steamer Planter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to appoint a board of competent officers of the Navy whose duty it shall be to make a reappraisal of the steam transport-boat Planter, taken during the late rebellion by Robert Smalls from the harbor of Charleston, S. C., and of all the arms, ordnance, ordnance stores, munitions, tackle, and other property on board of said transport-boat at the time of her delivery to the Federal authorities by the said Robert Smalls; and when the full value of said transport-boat, the arms, munitions, tackle, and other property shall be ascertained, estimating said values by the worth of the property at the time of capture as aforesaid, shall cause an apportionment of such value so ascertained to be made between Robert Smalls and his associates on said transport-boat at the time of her capture and delivery to the Federal authorities, in the manner hereinafter provided for by this act, deducting only the amount or amounts paid to the said Smalls and his said associates under the act of Congress approved May 30, 1862.

SEC. 2. That the apportionment referred to in the first section of this act shall be made as follows: One-third full amount of the value of the said transport-boat Planter, the arms, ordnance, ordnance stores, tackle, and other property, at the time of her capture and delivery to the Federal authorities, shall be awarded to the said Robert Smalls, and the balance shall be equally divided between his said associates or their heirs at law.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay to Robert Smalls and his associates, or their heirs at law as aforesaid, out of any money in the Treasury not otherwise appropriated, the sum which may be by the said board of officers hereby authorized apportioned to each of them under the provisions of this act.

Mr. DIBBLE (during the reading of the bill). Mr. Chairman—

Mr. CANNON. Let the bill be read through.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of this bill. Is there objection?

Mr. DIBBLE. I object.

Mr. LANHAM. I move that the committee rise.

Mr. CANNON. I hope there will be no objection to the bill which has just been read. I think it can be considered in a moment.

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE] has objected.

Mr. CANNON. I appeal to the gentleman to allow the Committee of the Whole to consider the case.* It is a unanimous report.

Mr. DIBBLE. There are circumstances connected with this case which lead me to object, because I do not believe it is a just claim against the Government.

Mr. CANNON. Then if that can be shown upon discussion let us defeat it. I believe that this bill is a long-delayed act of justice to a patriotic and brave man, although he is clothed in a black skin.

The question being taken on the motion of Mr. LANHAM, that the committee rise, it was not agreed to; there being—ayes 33, noes 47.

ORDER OF BUSINESS.

Mr. WHEELER. Mr. Chairman—

Mr. CANNON. I call for the regular order.

A MEMBER (to Mr. CANNON). Do not do that.

Mr. CANNON. Yes, I will do it. We will reach in two or three minutes the bill that I desire to have considered.

JAMES S. CLARKE & CO.

The next business on the Private Calendar was the bill (H. R. 3500) for the relief of James S. Clarke & Co.

Mr. STONE, of Kentucky. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. In the absence of objection that order will be made.

ALFRED H. THOMAS.

The next business on the Private Calendar was the bill (H. R. 1067) for the relief of Alfred H. Thomas, deceased.

Mr. LANHAM. I ask that this bill be passed over informally, retaining its place on the Calendar.

Mr. DIBBLE. I object.

Mr. LANHAM. I again move that the committee rise. The committee has been continuously in session now for four hours.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] moves that the committee rise.

Mr. CANNON. I hope not.

The motion of Mr. LANHAM was not agreed to.

The CHAIRMAN. The Clerk will report the pending bill.

Mr. NELSON. I ask unanimous consent—

Mr. CANNON and others. Regular order!

Mr. NELSON. I do not think any objection will be made to my proposition.

Mr. CANNON. I shall have to call for the regular order.

The CHAIRMAN. The Clerk will read the pending bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to amend the records in the War Department of the United States to show the name of Alfred H. Thomas duly enlisted and mustered into Company D, Seventh Regiment Tennessee Cavalry Volunteers, on the 1st day of February, 1864, for three years' service; taken prisoner at Union City, Tenn., on the 24th day of March, 1864; and died a prisoner of war, while in the service of the United States, at Savannah, Ga., on the 1st day of December, 1864.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with a favorable recommendation.

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

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1067) for the relief of Alfred H. Thomas, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 190 of the Committee on Military Affairs of the Forty-seventh Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 190, Forty-seventh Congress, first session.]

The Committee on Military Affairs, to whom was referred a bill to amend the war record of Alfred H. Thomas, deceased, submit the following report:

It appears that the said Alfred H. Thomas enlisted on or about the 1st day of February, 1864, in Company D, Seventh Regiment Tennessee Cavalry Volunteers; that the exigencies of the service called this company into active duty in the field before muster; that on the 24th day of March, 1864, the said Thomas, while in the line of duty, was captured with his entire company; that he was held a prisoner of war from that time to the time of his death, early in December, 1864, at Savannah, Ga. The above facts are conclusively established by the affidavits of two officers and several enlisted men of his regiment, and make a strong case for the relief asked, and the passage of the bill is therefore recommended.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. DIBBLE obtained the floor.

Mr. LANHAM. Mr. Chairman, it is manifest we are going to do nothing more in Committee of the Whole this afternoon. We have already passed a number of bills, and I do think the best thing we can do is to rise. I do not believe we can reach the bill which the gentleman from Illinois [Mr. CANNON] desires to reach.

Mr. CANNON. Let me make a suggestion which I think will be satisfactory. Let the report be printed in the RECORD. I understand it is exhausted. Then let the bill go over till the next private-bill day.

Mr. DIBBLE. I have no objection to that, but there is plenty of evidence in addition to that report, and I think it would be as well to print that evidence with the report of the committee. Let them both be printed at the same time; and that agreement can be made when the bill is called up. I ask the gentleman from Illinois to have that evidence printed.

Mr. CANNON. I only ask to have printed what is of record, and that is the report of the committee.

Mr. LANHAM. I will state in the hearing of the gentleman from Illinois that it will be absolutely impossible to reach the bill this afternoon. It is three below the one we have been considering. There are a number of bills to be reported to the House for passage, and they ought to be taken up and passed. So far as printing the report is concerned I have no objection to it. Let it go into the RECORD.

Mr. CANNON. If that can be done, I do not object to the committee rising.

The CHAIRMAN. Is there objection to the printing of the report of the committee in the RECORD?

There was no objection, and it was so ordered.

The report (by Mr. BROWER) from the Committee on War Claims is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3580) for the relief of the pilot and crew of the steamer *Planter*, report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 3595, of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 3595, Forty-ninth Congress, second session.]

The facts on which this claim is based were investigated by the Committee on Naval Affairs of the Forty-seventh Congress, and were as follows, as embodied in the report of that committee (No. 1857, second session of Forty-seventh Congress):

"This claim is rested upon the very valuable services rendered by Robert Smalls to the country during the late war. The record of these has been very carefully investigated, and portions of it are appended, as exhibits to this report. They show a degree of courage, well directed by intelligence and patriotism, of which the nation may well be proud, but which for twenty years has been wholly unrecognized by it. The following is a succinct statement and outline of them:

"On May 13, 1862, the Confederate steam-boat *Planter*, the special dispatch-boat of General Ripley, the Confederate post commander at Charleston, S. C., was taken by Robert Smalls under the following circumstances from the wharf at which she was lying, carried safely out of Charleston Harbor, and delivered to one of the vessels of the Federal fleet then blockading that port.

"On the day previous, May 12, the *Planter*, which had for two weeks been engaged in removing guns from Cole's Island to James Island, returned to Charleston. That night all the officers went ashore and slept in the city, leaving on board a crew of eight men, all colored. Among them was Robert Smalls, who was virtually the pilot of the boat, although he was only called a wheelman, because at that time no colored man could have, in fact, been made a pilot.

"For some time previous he had been watching for an opportunity to carry into execution a plan he had conceived to take the *Planter* to the Federal fleet. This he saw was about as good a chance as he would ever have to do so, and therefore he determined not to lose it. Consulting with the balance of the crew, Smalls found that they were willing to co-operate with him, although two of them afterwards concluded to remain behind. The design was hazardous in the extreme. The boat would have to pass beneath the guns of the forts in the harbor. Failure and detection would have been certain death. Fearful was the venture, but it was made. The daring resolution had been formed, and under command of Robert Smalls wood was taken aboard, steam was put on, and with her valuable cargo of guns and ammunition, intended for Fort Ripley, a new fortification just constructed in the harbor, about 2 o'clock in the morning the *Planter* silently moved off from her dock, steamed up to North Atlantic Wharf, where Smalls's wife and two children, together with four other women and one other child, and also three men, were waiting to embark.

"All these were taken on board, and then, at 3.25 a. m., May 13, the *Planter* started on her perilous adventure, carrying nine men, five women, and three children. Passing Fort Johnson, the *Planter*'s steam-whistle blew the usual salute and she proceeded down the bay. Approaching Fort Sumter, Smalls stood in the pilot-house leaning out of the window, with his arms folded across his breast, after the manner of Captain Relay, the commander of the boat, and his head covered with the huge straw hat which Captain Relay commonly wore on such occasions.

"The signal required to be given by all steamers passing out was blown as coolly as if General Ripley was on board, going out on a tour of inspection. Sumter answered by signal, 'All right,' and the *Planter* headed toward Morris Island, then occupied by Hatch's Light Artillery, and passed beyond the range of Sumter's guns before anybody suspected anything was wrong. When at last the *Planter* was obviously going toward the Federal fleet off the bar, Sumter signaled toward Morris Island to stop her. But it was too late. As the *Planter* approached the Federal fleet a white flag was displayed, but this was not at first discovered, and the Federal steamers, supposing the Confederate rams were coming to attack them, stood out to deep water.

"But the ship *Onward*, Captain Nichols, which was not a steamer, remained, opened her ports and was about to fire into the *Planter*, when she noticed the flag of truce. As soon as the vessels came within hailing distance of each other the *Planter*'s errand was explained. Captain Nichols then boarded her, and Smalls delivered the *Planter* to him. From the *Planter* Smalls was transferred to the *Augusta*, the flag-ship off the bar, under the command of Captain Par-

rott, by whom the *Planter*, with Smalls and her crew, was sent to Port Royal, to Rear-Admiral Du Pont, then in command of the Southern squadron.

"Captain Parrott's official letter to Flag-Officer Du Pont and Admiral Du Pont's letter to the Secretary of the Navy are appended hereto.

"Captain Smalls was soon afterwards ordered to Edisto, to join the gunboat *Crusader*, Captain Rhind. He then proceeded in the *Crusader*, piloting her and followed by the *Planter*, to Simmons's Bluff, on Wadmalaw Sound, where a sharp battle was fought between these boats and a Confederate light battery and some infantry. The Confederates were driven out of their works, and the troops on the *Planter* landed and captured all the tents and provisions of the enemy. This occurred some time in June, 1862.

"Captain Smalls continued to act as pilot on board the *Planter* and the *Crusader* and as blockading pilot between Charleston and Beaufort. He made repeated trips up and along the rivers near the coast, pointing out and removing the torpedoes which he himself had assisted in sinking and putting in position. During these trips he was present in several fights at Adams's Run, on the Dawho River, where the *Planter* was hotly and severely fired upon; also at Rockville, John's Island, and other places. Afterwards he was ordered back to Port Royal, whence he piloted the fleet up Broad River to Pocotaligo, where a very severe battle ensued. Captain Smalls was the pilot on the monitor *Keokuk*, Captain Ryan, in the memorable attack on Fort Sumter, on the afternoon of the 7th of April, 1863. In this attack the *Keokuk* was struck ninety-six times, nineteen shots passing through her. She retired from the engagement only to sink on the next morning near Light-House Inlet. Captain Smalls left her just before she went down, and was taken with the remainder of the crew on board of the *Ironsides*. The next day the fleet returned to Hilton Head.

"When General Gillmore took command Smalls became pilot in the quartermaster's department in the expedition on Morris Island. He was then stationed as pilot of the *Stono*, where he remained until the United States troops took possession of the south end of Morris Island, when he was put in charge of Light-House Inlet as pilot. Upon one occasion, in December, 1863, while the *Planter*, then under Captain Nickerson, was sailing through Folly Island Creek, the Confederate batteries at Secessionville opened a very hot fire upon her. Captain Nickerson became demoralized and left the pilot-house and secured himself in the coal bunker.

Smalls was on the deck, and finding that the captain had deserted his post entered the pilot-house, took command of the boat, and carried her safely out of reach of the guns. For this conduct he was promoted by order of General Gillmore, commanding the Department of the South, to the rank of captain, and was ordered to act as captain of the *Planter*, which was used as a supply-boat along the coast until the end of the war. In September, 1866, he carried his boat to Baltimore, where she was put out of commission and sold.

Besides the daring enterprise of Captain Smalls in bringing out the *Planter*, his gallant conduct in rescuing her a second time, for which he was made captain of her, and his invaluable services to the Army and Navy as a pilot in waters where he perfectly knew not only every bank and bar, but also where every torpedo was situated, there are still other elements to be considered in estimating the value of Captain Smalls's services to the country. The *Planter*, on the 13th of May, 1862, was a most useful and important vessel to the enemy. The loss of her was a severe blow to the enemy's service in carrying supplies and troops to different points of the harbor and river fortifications. At the very time of the seizure she had on board the armament for Fort Ripley. The *Planter* was taken by the Government at a valuation of \$9,000, one-half of which was paid to the captain and crew, the captain receiving one-third of one-half, or \$1,500.

Upon what principle the Government claimed one-half of this capture can not be divined, nor yet how this disposition could have been made of her without any judicial proceeding. That \$9,000 was an absurdly low valuation for the *Planter* is abundantly shown by facts stated in the affidavits of Charles H. Campbell and E. M. Baldwin, which are appended. In addition thereto their sworn average valuation of the *Planter* was \$67,500. The report of Montgomery Sicard, commander and inspector of ordnance, to Commodore Patterson, navy-yard commandant, shows that the cargo of the *Planter*, as raw material, was worth \$3,043.05; that at the ante-bellum prices it was worth \$7,163.35, and at war prices \$10,290.60. For this cargo the Government has never paid one dollar. It is a severe comment on the justice as well as the boasted generosity of the Government that, whilst it had received \$90,000 to \$70,000 worth of property at the hands of Captain Smalls, it has paid him the trifling amount of \$1,500, and for twenty years his gallant daring and distinguished and valuable services which he has rendered to the country have been wholly unrecognized.

Report of Flag-Officer Du Pont.

FLAG-SHIP *WARASH*,
Port Royal Harbor, South Carolina, May 14, 1862.

SIR: I inclose a copy of a report from Commander E. G. Parrott, brought here last night by the late rebel steam-tug *Planter*, in charge of an officer and crew from the *Augusta*. She was the armed dispatch and transportation steamer attached to the engineer department at Charleston, under Brigadier-General Ripley, whose barge, a short time since, was brought out to the blockading fleet by several contrabands.

The bringing out of this steamer, under all the circumstances, would have done credit to any one. At 4 o'clock in the morning, in the absence of the captain, who was on shore, she left her wharf close to the government office and headquarters, with Palmetto and Confederate flags flying, passed the successive forts, saluting as usual by blowing her steam-whistle. After getting beyond the range of the last gun she quickly hauled down the rebel flag and hoisted a white one.

The *Onward* was the inside ship of the blockading fleet in the main channel, and was preparing to fire when her commander made out the white flag. The armament of the steamer is a 32-pounder, or pivot, and a fine 21-pounder howitzer. She has, besides, on her deck four other guns, one 7-inch rifled, which were to have been taken the morning of the escape to the new fort on the middle ground. One of the four belonged to Fort Sumter and had been struck, in the rebel attack on the fort, on the muzzle. Robert, the intelligent slave and pilot of the boat who performed this bold feat so skillfully, informed me of this fact, presuming that it would be a matter of interest to us to have possession of this gun. This man, Robert Smalls, is superior to any who have come to our lines, intelligent as many of them have been. His information has been most interesting and portions of it of the utmost importance.

The steamer is quite an acquisition to the squadron by her good machinery and very light draught. The officer in charge brought her through St. Helena Sound and by the inland passage down Beaufort River, arriving here at 10 o'clock last night.

On board the steamer when she left Charleston were eight men, five women, and three children.

I shall continue to employ Robert as a pilot on board the *Planter* for the inland waters, with which he appears to be very familiar. I do not know whether, in the views of the Government, the vessel will be considered a prize; but, if so, I respectfully submit to the Department the claims of this man Robert and his associates.

Very respectfully, your obedient servant,

S. F. DU PONT,

Flag Officer, Commanding, etc.

Hon. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.

UNITED STATES STEAM-SHIP AUGUSTA,
Of Charleston, May 13, 1862.

SIR: I have the honor to inform you that the rebel armed steamer Planter was brought out to us this morning from Charleston by eight contrabands, and delivered up to the squadron. Five colored women and three children are also on board. She carried one 32-pounder and one 24-pounder howitzer, and has also on board four large guns, which she was engaged in transporting.

I send her to Port Royal at once, in order to take advantage of the present good weather. I send Charleston papers of the 12th, and the very intelligent contraband who was in charge will give you the information which he has brought off.

I have the honor to request that you will send back, as soon as convenient, the officer and crew sent on board.

I am, respectfully, etc., your obedient servant,

E. G. PARROTT,
Commander, and Senior Officer present.

Flag-Officer S. F. DU PONT,
Commanding South Atlantic Blockading Squadron.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 3, 1863.

SIR: Your communication of the 26th ultimo, in relation to your services on the steamer Planter during the rebellion, and requesting copies of any letters from General Gillmore and other officers on the subject, has been received.

The records of this office show that the name of Robert Smalls is reported by Lieut. Col. J. J. Elwell, Hilton Head, S. C., as a pilot, at \$50 per month, from March 1, 1863, to September 30, 1863; and from October 1, 1863, to November 20, 1863, at \$75 per month.

He was then transferred to Capt. J. L. Kelly, assistant quartermaster, November 20, 1863, by whom he was reported as pilot from November 21 to November 30, 1863. He is reported by that officer in same capacity from December 1, 1863, until February 29, 1864, at \$150 per month.

The name of Robert Smalls is then reported by Captain Kelly as captain of the steamer Planter, at \$150 per month, from March 1, 1864, until May 13, 1864, when transferred to the quartermaster in Philadelphia.

He is reported by Capt. C. D. Schmidt, G. R. Orme, W. W. Van Ness, and John R. Jennings, assistant quartermasters at Philadelphia, as captain of the Planter, at \$150 per month from June 23, 1864, to December 16, 1864, when transferred to Capt. J. L. Kelly, assistant quartermaster, Hilton Head, S. C., by whom he is reported to January 31, 1865.

From February 1, 1865, he is reported as a "contractor, victualing and manning the steamer Planter."

I respectfully inclose herewith a copy of a letter, dated September 10, 1862, from Capt. J. J. Elwell, chief quartermaster, Department of the South, in relation to the capture of the steamer Planter, which is the only one found on file in this office on the subject.

Very respectfully, your obedient servant,

ALEX. J. PERRY,
Deputy Quartermaster-General, U. S. A.,
Acting Quartermaster-General.

HON. ROBERT SMALLS,
Member of Congress, Washington, D. C.

OFFICE OF THE CHIEF QUARTERMASTER,
Hilton Head, S. C., September 10, 1862.

GENERAL: I have this day taken a transfer of the small steamer Planter, of the Navy. This is the Confederate steamer which Robert Smalls, a contraband, brought out of Charleston on the 13th of May last. The Navy Department, through Rear-Admiral Du Pont, transfers her, and I receipt for her just as she was received from Charleston. Her machinery is not in very good order, and will require some repairs, etc.; but this I can have done here. She will be of much service to us, as we have comparatively no vessels of light draught. I shall have her employed at Fort Pulaski, where I am obliged to keep a steamer.

Exhibit of the estimated values of certain ordnance and ordnance stores on board the rebel steamer Planter, which came out of Charleston, S. C., to the United States blockading fleet on the 15th day of May, 1862.

Articles of ordnance and ordnance stores on board the Planter.	Estimated under the supposition that the guns and projectiles of value to the United States only as old material, the powder being considered as useful for saluting.	Estimated supposing that all the articles are valued at prices paid before the war, except the Brooks rifle and its projectiles, which are given at war prices.	Estimated supposing that all the articles are valued by the United States at war prices.			
1 long 32-pounder of 7,200 pounds.....	At 1 cent per pound.....	\$54.00	At 5.6 cents per pound.....	\$403.20	At 10 cents per pound.....	\$720.00
1 short 32-pounder of 3,300 pounds.....	At 1 cent per pound.....	24.75	At 5.6 cents per pound.....	220.00	At 9 cents per pound.....	297.00
1 short 24-pounder of 1,475 pounds.....	At 1 cent per pound.....	11.07	At 5.6 cents per pound.....	82.16	At 9 cents per pound.....	132.84
2 8-inch columbiads of 9,240 pounds.....	At 1 cent per pound.....	188.60	At 5.6 cents per pound.....	1,027.44	At 11 cents per pound.....	2,032.80
1 7-inch rifle of 10,500 pounds.....	At 1 cent per pound.....	78.75	At 12 cents per pound.....	1,260.00	At 12 cents per pound.....	1,260.00
200 32-pounder shot.....	At 1 1/2 cents per pound.....	113.00	At 65 cents each.....	132.00	At \$1 each.....	300.00
150 8-inch 32-pounder shot.....	At 1 1/2 cents per pound.....	170.62	At 83 cents each.....	124.50	At \$1.25 each.....	187.50
200 32-pounder shell, loaded and fused.....	At 1 1/2 cents per pound.....	78.75	At \$1.80 each.....	350.00	At \$2.50 each.....	502.00
100 24-pounder shell, loaded and fused.....	At 1 1/2 cents per pound.....	29.26	At \$1.40 each.....	140.00	At \$2 each.....	200.00
200 7-inch rifle shell, loaded and fused.....	At 1 1/2 cents per pound.....	315.00	At 65 cents each.....	1,260.00	At \$5 each.....	1,260.00
150 8-inch rifle shell, loaded and fused.....	At 1 1/2 cents per pound.....	131.00	At \$2.33 each.....	349.50	At \$3.33 each.....	502.00
400 32-pounder charges, 8 pounds each, 3,200 pounds.....	At 22 cents per pound.....	704.00	At 18 cents per pound.....	876.00	At 30 cents per pound.....	960.00
100 24-pounder charges, 2 pounds each, 200 pounds.....	At 22 cents per pound.....	44.00	At 18 cents per pound.....	36.00	At 30 cents per pound.....	60.00
200 7-inch rifle charges, 10 pounds each, 2,000 pounds.....	At 22 cents per pound.....	440.00	At 18 cents per pound.....	360.00	At 30 cents per pound.....	600.00
300 8-inch columbiad charges, 10 pounds each, 3,000 pounds.....	At 22 cents per pound.....	660.00	At 18 cents per pound.....	540.00	At 30 cents per pound.....	900.00
1 32-pounder carriage, army pattern.....	At 22 cents per pound.....	40.80	At 18 cents per pound.....	330.00	.....	500.00
1 24-pounder carriage, army pattern.....	At 22 cents per pound.....	10.00	.....	20.00	.....	30.00
Total.....	.....	3,043.05	.....	7,163.35	.....	10,290.60

The committee now recommend that the bill be amended by substituting the following, and that, as so amended, the bill do pass:

"Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to appoint a board of competent officers of the Navy whose duty it shall be to make a reappraisal of the steam transport-boat Planter, taken during the late rebellion by Robert Smalls from the harbor of Charleston, S. C., and of all the arms, ordnance, ordnance stores, munition, tackle, and other property

Please find inclosed a copy of the letter of Rear-Admiral Du Pont to General Branman in regard to the matter.

I am, general, very respectfully, your most obedient servant,

J. J. ELWELL,
Captain and Assistant Quartermaster.

J. G. CHANDLER,
Deputy Quartermaster-General, U. S. A.

Personally appeared before me Charles H. Campbell, of the city, county, and State of New York, who, being by me duly sworn according to law, deposes and says as follows:

That during the year 1862, and from that time up to and including the year 1866, he was doing service in the Department of the South, headquarters at Hilton Head, S. C.; that he knows Hon. Robert Smalls, of Beaufort, S. C.; that he was present when the steamer Planter, of the city of Charleston, came into Hilton Head on or about the 13th of May, 1862; that he went on board the Planter and made a personal examination of her condition, and found she was built of live-oak and red cedar, and a first-class coastwise steamer, well furnished and complete in every respect; that he was, and is, well acquainted with the value of steamers, and has been engaged in the business of steam-boating, both as captain and owner, for the last fifteen years; that the steamer Planter was fully worth, at the time she came into Hilton Head, the sum of \$50,000 in cash for the boat alone; that the United States Government was paying at that time for steamers of her class \$400 per day under a charter-party agreement with the chief quartermaster at that place, the Government finding both wood and coal; that he chartered to the United States Government at or about that time the steamer George Washington for \$350 per day, which was only about half the size of the Planter and not more than half her value; that he executed seven charters for steamers with the Government, and also had a valuation set on them in case of loss; and the above statement is made in accordance with the prices paid by the Government at Hilton Head and elsewhere during the time the Planter was in the service; that at the close of the war, and while the Planter was laying up in Charleston and in a very bad condition from the nature of her past services, I was commissioned by her former owner, Captain Ferguson, to purchase the Planter from the Government for the sum of \$25,000, which sum I did offer, and the same was refused on the part of the Government of the United States; that the steamer Planter was an extra strong-built boat; her frame was live-oak and red cedar, and built as strong as possible; she was built expressly for the coastwise trade, and she is running out of the city of Charleston to-day and is considered by steam-boat men one of the strongest and best built steam-boats in the South.

CHAS. H. CAMPBELL.

Subscribed and sworn to before me the 23d day of March, 1876.
[OFFICIAL SEAL.] JAS. A. TAIT, Notary Public.

Personally appeared before me, a notary public, E. M. Baldwin, of the city of Washington, D. C., who was by me duly sworn according to law, deposes and says:

That during the year A. D. 1862 and afterwards was doing service for the Navy Department at Hilton Head, S. C., in the South Atlantic blockading squadron; that he was captain of the steam-tug Mercury, and was one of the first persons that boarded the Planter at Hilton Head on the 13th day of May, A. D. 1862.

That he has been for years, and is now, engaged in the steam-boat business as an officer and owner, and is familiar with the prices paid for charters by the quartermaster at Hilton Head, and the value of steam-boats generally at that time and since; that he examined the Planter when she came into said harbor at Hilton Head, and found her a first-class steam-boat, built of live-oak and red cedar, and her outfit and findings complete in every particular; that she could have been readily sold at the time she arrived at Hilton Head for \$75,000 in cash for the steam-boat alone, or could have been chartered to the Government for \$400 per day, which at that rate would have paid the purchase money at the price aforesaid in less than one year, and would have left a large surplus to the purchaser; that she was considered by both the officers of the Army and Navy, on account of her light draught and great strength, by far the best steamer for that coast service in the Department of the South.

E. M. BALDWIN.

Sworn to before me and subscribed by him in my presence this 25th day of March, A. D. 1886.
[OFFICIAL SEAL.] JAS. A. TAIT, Notary Public.

on board of said transport-boat at the time of her delivery to the Federal authorities by the said Robert Smalls; and when the full value of said transport-boat, the arms, munitions, tackle, and other property shall be ascertained, estimating said values by the worth of the property at the time of capture as aforesaid, shall cause an apportionment of such value so ascertained to be made between Robert Smalls and his associates on said transport-boat at the time of her capture and delivery to the Federal authorities, in the manner hereinafter

provided for by this act, deducting only the amount or amounts paid to the said Smalls and his said associates under the act of Congress approved May 30, 1862.

SEC. 2. That the apportionment referred to in the first section of this act shall be made as follows: One-third of the full amount of the value of the said transport-boat Planter, the arms, ordnance, ordnance stores, tackle, and other property, at the time of her capture and delivery to the Federal authorities, shall be awarded to the said Robert Smalls, and the balance shall be equally divided between his said associates or their heirs at law.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay to Robert Smalls and his associates, or their heirs at law as aforesaid, out of any money in the Treasury not otherwise appropriated, the sum which may be by the said board of officers hereby authorized apportioned to each of them under the provision of this act.

Mr. ENLOE. The report in the case of Hiram Johnson and others, which is exhausted, ought also to be printed in the RECORD, and I make that request.

There was no objection, and it was so ordered.

The report (by Mr. PENNINGTON), from the Committee on War Claims, is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1028) for the relief of Hiram Johnson and others, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report of the Committee on War Claims, No. 1345, second session, Forty-sixth Congress, and are in substance as follows:

[House Report No. 1345, Forty-ninth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of Hiram Johnson and others for relief, submit the following report:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on Military Affairs, No. 184, second session, Forty-fourth Congress, and in reports from the Secretary of War, with correspondence attached, on file with the papers in the case, and are in substance as follows:

On the 25th day of November, 1862, a party of rebels made a raid upon a small force of Union troops stationed at Henderson, in the State of Tennessee, on the Mobile and Ohio Railroad. The raiding party captured the Union troops, with their arms and camp equipage, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water-tank belonging to the railway corporation.

Thereupon, on the 2d day of December following, the commandant of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment, by way of reprisal, upon rebel sympathizers in and about Henderson.

The board so appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States.....	\$1,900.00
Arms and camp equipage belonging to the United States.....	3,180.00

Total belonging to the United States	5,080.00
Cotton belonging to private persons.....	18,171.36
Railway property	3,500.00

Grand total.....	26,751.36
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Upon this report being made, Colonel Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson, which action was approved at the headquarters of the district of Jackson, in the Department of Tennessee, Brigadier-General Sullivan commanding, on the 12th day of December, 1862; and an order bearing date on that day was issued from said last-named headquarters directing the collection of the tax.

Colonel Haynie proceeded in the execution of the order, and collected of the said assessment the sum \$23,325.16, leaving a deficit of \$3,426.20 not collected, by reason of the absence of the persons against whom the same was assessed. And thereafter, but at what precise date does not appear, Col. W. W. Sanford, Forty-eighth Illinois Volunteer Infantry, commanding post at Bethel, made an additional and supplemental assessment for \$4,326.20, to make up such deficit; and of this amount there was collected \$4,026.20, making the total amount collected to repair losses and damages sustained by said raid \$27,351.36; all of which sum was paid by the persons now asking relief by this petition.

The right of the military commandant, in time of war, to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions, by making the friends of those who commit the damage bear the brunt of the injury suffered.

At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of General Grant, then commanding the troops in that department. But it appears from the papers filed that General Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines like the one at Henderson only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the Provost-Marshal-General.

And it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by General M. C. Meigs, which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by General Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, namely:

For cotton burned belonging to the United States.....	\$1,900
Arms and camp equipage belonging to the United States.....	3,180
	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense.

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance of \$22,271.26 taken from the pe-

tioners under a misconstruction of the order of the commanding general as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an officer giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected \$23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, \$4,026, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer, who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them (\$22,271.26) in excess of the requirements of General Grant is valid, and that the Government ought in right to refund the same; and report herewith a bill redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them respectively, and recommend its passage.

Your committee adopt the said report as their own, and report back the bill and recommend its passage with amendments to make the bill conform to the report.

Mr. LANHAM moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report back sundry bills with various recommendations.

ORDER OF BUSINESS.

Mr. LANHAM. I desire to submit a request in behalf of gentlemen of the House. I have not the slightest interest in it on my own account. I have not a single bill on the Calendar, but there are other gentlemen who have. I ask that Monday next there be an evening session, the House to take a recess from 5 o'clock p. m. to 8 o'clock p. m., the evening session to be devoted to the consideration of bills reported from the Committee on Claims to which no objection shall be made.

Mr. STONE, of Kentucky. The Committee on Claims has had an evening session, at which some bills were passed. Something was accomplished; but at the evening session for the Committee on War Claims but little was done. Therefore with the request let there be coupled reports also from the Committee on War Claims.

The SPEAKER *pro tempore*. It has been frequently decided that you can not unite such motions, but the Chair will put the request to the House.

Mr. ROGERS. Let the session be limited to 10 o'clock.

Mr. LANHAM. Say 11.

Mr. TOWNSHEND. Let it be included also that at that session it shall be in order to call up bills from the Committee on Military Affairs for the construction of roads to national cemeteries and for the right of way through military reservations.

Mr. MORGAN. Limit the bills to \$5,000.

The SPEAKER *pro tempore*. The request of the gentleman from Texas can not be amended. Is there objection to the request for an evening session on behalf of the Committee on Claims on Monday next?

Mr. BURROWS. I have conferred with gentlemen on this side of the House, and there will be no objection if the gentleman will modify his motion so as to include reports from the Committee on Invalid Pensions.

Mr. LANHAM. I can not yield to that.

Mr. BURROWS. Then I must object.

The SPEAKER *pro tempore*. Is there objection?

Mr. BURROWS. Yes; I object.

JOHN DE BREE, EXECUTOR.

The bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, reported from the Committee of the Whole without amendment, was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOWDEN 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.

The bill H. R. 10798 of the same title was ordered to be laid on the table.

WILLIAM D. WILSON.

The bill (H. R. 828) for the relief of William D. Wilson, reported from the Committee of the Whole with amendments, was considered, the amendments adopted, and the bill as amended ordered to be en-

grossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to conform.

MARTHA L. RUSSELL AND OTHERS.

The bill (H. R. 565) for the relief of Martha L. Russell, Mary A. House, and Lulu H. House, reported from the Committee of the Whole with amendments, was considered, the amendments adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHEADLE. I move to amend the title by striking out the name "Martha L. Russell."

The amendment was adopted.

BILLS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 5516) for the relief of John H. Weeks;

A bill (H. R. 10481) for the relief of Rev. William Gregston; and

A bill (H. R. 341) for the relief of John Farley.

LUCINDA M'GUIRE.

The bill (S. 102) for the relief of Lucinda McGuire, reported from the Committee of the Whole with favorable recommendation, was considered, ordered to a third reading, read the third time, and passed.

The bill H. R. 5871, for the relief of Lucinda McGuire, was ordered to be laid on the table.

C. M. STINSON.

The bill (H. R. 3595) for the relief of C. M. Stinson, reported from the Committee of the Whole with favorable recommendation, was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; there being on a division—ayes 69, noes 0.

J. H. BUGG AND OTHERS.

The bill (H. R. 10401) for the relief of J. H. Bugg and others, reported from the Committee of the Whole with favorable recommendation, was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of conferees as follows, namely:

On the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, Mr. COMPTON, Mr. HEARD, and Mr. ROWELL; and

On the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, Mr. HEARD, Mr. COMPTON, and Mr. BREWER.

ORDER OF BUSINESS.

Mr. CRAIN. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill which I send to the desk.

Mr. O'NEILL, of Pennsylvania. I desire to submit a privileged report.

Mr. BOWDEN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOWDEN. At the present session, on the 14th of this month, the bill for the relief of James Caler was laid aside with a favorable report, and upon the report of the committee being made to the House a demand was made for the reading of the engrossed bill. I find that bill has been brought forward on the Calendar under the head of "bills reported from the Private Calendar undisposed of." It is the only bill on the Calendar without any special order, and I ask if it is not now entitled to precedence?

The SPEAKER *pro tempore*. On what ground?

Mr. BOWDEN. On the ground that it is unfinished business on the Private Calendar on a favorable report from the committee.

The SPEAKER *pro tempore*. Does the gentleman make that point?

Mr. BOWDEN. I will withdraw the inquiry for the present and will call up the bill at another time.

PREPARATION OF INDEX, CALENDARS, HOUSE OF REPRESENTATIVES.

Mr. FLOOD. I desire to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to Samuel D. Craig, out of the contingent fund of the House, the sum of \$600, in full compensation for preparing an index of the Calendars of the House for the first session of the Fiftieth Congress.

The Committee on Accounts, to whom was referred the resolution providing for the payment out of the contingent fund of the House to Samuel D. Craig the sum of \$600 for extra services in the preparation of the Calendars, having considered the same, report that, in the judgment of your committee, the amount asked is very reasonable. The extra work on the Calendars is 40 per cent. at

least in excess of any previous session, and there has been added an index (prepared by Mr. Craig) which has been of great benefit to the members as well as the public at large. The compilation of this index alone is well worth the sum asked, and the committee would recommend the passage of the resolution if the same were a legal charge upon the contingent fund; but as it is not, your committee therefore report the following substitute and recommend its adoption:

Resolved, That there be paid to Samuel D. Craig the sum of \$600 for extra services in connection with the preparation of the Calendars and indexing the same for the first session of the Fiftieth Congress, and that the Committee on Appropriations be directed to provide for the payment of said sum in the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and prior years, and for other purposes.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute proposed by the Committee on Accounts.

The substitute was adopted.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to amendments of the House of Representatives to Senate bills of the following titles:

A bill (S. 196) to cancel certain reservations of lands on account of live-oak in the Southwestern land district of the State of Louisiana;

A bill (S. 928) in relation to marriage between white men and Indian women; and

A bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 10758) "to amend the charter of the Capitol, North O Street and South Washington Railway Company."

The message further announced that the Senate had passed a bill (S. 3132) "to provide for trial by jury in the police court of the District of Columbia, and for other purposes;" in which concurrence of the House was requested.

BRAZOS RIVER.

Mr. CRAIN. I ask that by unanimous consent the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill which I send to the Clerk's desk, and that the same be considered in the House.

The bill was read, as follows:

A bill (H. R. 10165) for improving the mouth of the Brazos River, Texas.

Be it enacted, etc., That the Brazos River Channel and Dock Company, a corporation organized under and by virtue of the laws of the State of Texas, be, and are hereby, authorized, on the conditions hereinafter mentioned, to construct, own, and operate such permanent and sufficient jetties and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a navigable channel at the mouth of the Brazos River, Texas, between said river and the Gulf of Mexico, and so far into the mainland and between the banks of the said Brazos River as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, for the purposes of furnishing the vessels and boats adapted to the purposes facilitate for navigation in and along the entire length of said channel, charging and collecting such toll therefor as may be prescribed by the regulations that may be made by the Secretary of the Treasury of the United States in conformity with the laws of the United States; and for that purpose they may construct, in the river, and likewise in the Gulf of Mexico, such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances as they may, in the prosecution of said work, deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation in said river or between said river and the Gulf of Mexico; and to protect their said works, they may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of said Brazos River; and said Brazos River Channel and Dock Company shall hold the United States harmless from any damages that may accrue to any person or persons by overflow or otherwise caused by the construction of said walls, jetties, dikes, levees, and other works constructed by said company: *Provided further*, That unless the construction of the proposed work shall be substantially commenced in one year from date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said improvement shall be null and void; and unless the said Brazos River Channel and Dock Company shall secure a navigable depth of 12 feet of water from a point in the river so far as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, above its mouth and extending from said point to a depth of 12 feet in the Gulf of Mexico, outside of the present bar, within three years after the date of the approval of this act, Congress may revoke the privileges herein granted in relation to said improvement. And Congress may revoke the provisions herein granted in relation to said improvement, unless the said Brazos River Channel and Dock Company shall, after securing 12 feet of water, secure an additional depth of not less than 2 feet during each succeeding year thereafter, until 18 feet shall have been secured; and in case said Brazos River Channel and Dock Company shall fail to comply with the foregoing conditions as to depth of water and time, for any period of twelve months in excess of the time fixed, as aforesaid, then the privileges herein granted in relation to said improvements shall absolutely become null and void without action by Congress.

SEC. 2. That the works of improvement in the said Brazos River, from the mouth of said river to the point described in section 1 of this act, shall consist of the construction of dikes, wing-dams, levees, embankments, and dredging or other means which may be considered by said Brazos River Channel and Dock Company necessary for obtaining a depth of 18 feet of water between the mouth of said river and said point described in section 1 of this act; and that the said Brazos River Channel and Dock Company may, if they shall decide it best for the interests of navigation, change the course of said river at the sharp bend in said river between the mouth of said river and the said point described in section 1 of this act, but in making such change the channel shall be made of sufficient depth and width to receive the volume of said river without disturbance of its regimen.

SEC. 3. That if at any time during the construction of said jetties and auxiliary works, or after said jetties and auxiliary works shall have been completed, and said channel of 18 feet in depth has been obtained, the United States shall have the right to pay the said Brazos River Channel and Dock Company the value of their jetties and other works constructed under and by the authority granted to said company by the State of Texas as well as by the authority

of this act, and on such payment being made by the United States all right to said franchises and works on the part of said Brazos River Channel and Dock Company shall cease.

Sec. 4. That any person maliciously or intentionally injuring said works or interfering with the construction thereof shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed, and if found guilty he shall be liable to a fine not exceeding \$1,000 or to imprisonment not more than two years, or both fine and imprisonment as aforesaid for each offense.

Mr. GROSVENOR. I would like to ask the gentleman from Texas from what committee that bill emanates?

Mr. CRAIN. It comes from the Committee on Rivers and Harbors. It is the same as that which passed the Senate.

Mr. McCULLOGH. I wish to offer an amendment.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. ANDERSON, of Kansas. I would like to hear a statement in regard to the bill.

Mr. CRAIN. The bill gives power for the improvement of the mouth of the Brazos River. The Government has abandoned work on that river, and has refused to carry on works there. The Committee on Rivers and Harbors have not reported any appropriation, and the people of that country have organized a company for the purpose of doing the work themselves. They simply ask permission of Congress to do so, and they ask for no appropriation whatever.

Mr. ANDERSON, of Kansas. How wide is the river?

Mr. CRAIN. It varies in width.

Mr. GROSVENOR. There is one provision in this bill which is objectionable. It makes it a penal offense under the laws of the United States to interfere with the property of a State corporation.

Mr. CRAIN. I am willing to have that stricken out.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill? The Chair hears none.

Mr. CRAIN. I move to strike out that section which makes it a penal offense to interfere with the property of a State corporation.

The Clerk read the section, as follows:

Sec. 4. That any person maliciously or intentionally injuring said works or interfering with the construction thereof shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed, and if found guilty he shall be liable to a fine not exceeding \$1,000 or to imprisonment not more than two years, or both fine and imprisonment as aforesaid for each offense.

The amendment was agreed to.

Mr. McCULLOGH. I move to amend the third section by making it read "before or after it reaches the depth of 18 feet." The reason why I make this amendment is that as the section reads, as I understand it, the Government can not take the improvements until a depth of 18 feet has been obtained. You may be able to get a depth of 17 feet and not a depth of 18 feet, and that would preclude the Government taking the improvement.

Mr. CRAIN. I am perfectly willing it should go in that way, and I move that the amendment of the gentleman from Pennsylvania be adopted.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

Mr. McCULLOGH. I will withdraw my amendment.

Mr. ANDERSON, of Kansas. I move to insert an additional section, that Congress may at any time alter, amend, or repeal this act.

The amendment was agreed to; and 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. CRAIN 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.

MARINE HOSPITAL AT EVANSVILLE, IND.

Mr. HOVEY. I ask, by unanimous consent, the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.

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 for a marine hospital at the city of Evansville, Ind. 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 \$100,000; nor shall any site be purchased until estimates for the erection of the building which will furnish sufficient accommodations for such hospital, and which shall not exceed in cost the balance of the sum herein limited, after the site shall have been purchased and paid for and approved by the Secretary of the Treasury: *Provided*, That 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 Indiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except of the criminal laws of said State and the service of civil process therein.

The CHAIRMAN. Is there objection to the consideration of the bill just read? [After a pause.] The Chair hears none.

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. HOVEY 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.

DR. JOHN B. READ.

Mr. BANKHEAD. I ask unanimous consent to have considered at this time the bill (H. R. 10633) for the relief of Dr. John B. Read.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$17,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay Dr. John B. Read, his compensation as royalty on all rifle projectiles with iron sabots furnished by R. P. Parrott to the United States during the war of 1861 to 1865; said sum of \$17,000 to be received by said John B. Read as royalty upon all such projectiles so furnished to the United States, and in full satisfaction of his claim.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Let the report be read.

The report (by Mr. SIMMONS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 10491) for the relief of John B. Read, submit the following report:

In the year 1856, when rifled ordnance of large caliber did not exist in the United States or in any country, Dr. John B. Read secured a patent, dated October 23, 1856, for an elongated rifle projectile, with a wrought-iron cup or sabot at the base, for expansion into rifle grooves, so as to secure rotation. Early in the same year he had experimented, at Fortress Monroe, with a two-grooved 24-pounder rifle gun, with such favorable results as to secure a contract with the Secretary of War that, on condition of his assigning the free use forever of such projectiles to the United States, he should receive such compensation, in case of adoption, as a board of Army officers, to be appointed for the purpose, might decide to be just. A joint resolution was passed the present session of Congress, authorizing the Secretary of War to appoint such a board; which, after careful investigation of the case, made its report to the Secretary of War, and was by him transmitted to Congress on the 4th instant.

These projectiles were extensively used at the outset of the war, and were furnished the United States by R. P. Parrott from West Point Foundry, with iron sabots, according to Dr. Read's patent.

The board of officers decided that Dr. Read "has a just claim for a reasonable royalty upon those projectiles furnished to the United States by R. P. Parrott, which were covered by his (Read's) patent of October 23, 1856; and that the sum of \$17,000 is the proper amount to be paid by the United States to Dr. Read, in full satisfaction of his claim."

Your committee therefore recommend that the substitute for the original bill herewith submitted do pass.

Mr. GROSVENOR. If I recollect rightly that bill was up this afternoon, and the gentleman from Indiana, who I believe is not present now, made some objection to it and offered a substitute.

Mr. BANKHEAD. It is the substitute that has just been read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I wish to inquire whether or not this gentleman, Dr. Read, was not in the employ of the Government at the time he made this invention?

Mr. BANKHEAD. I think not.

Mr. FORNEY. No.

Mr. HOLMAN. Who makes the report?

Mr. BANKHEAD. It is made by a board of Army officers appointed by the Secretary of War.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WICKHAM. I object.

Mr. CUTCHEON. How much money does the substitute carry?

Mr. HOUK. Seventeen thousand dollars.

Mr. WASHINGTON. The Secretary of War recommends the payment of the claim.

Mr. BURROWS. When did the claim arise?

Mr. BANKHEAD. In 1856.

BUSINESS FROM COMMITTEE ON WAR CLAIMS.

Mr. STONE, of Kentucky. I ask unanimous consent that next Wednesday be set apart for the consideration of bills reported from the Committee on War Claims.

Mr. WEAVER. Not to interfere with appropriation bills or the Oklahoma bill.

Mr. BURROWS. What is the request?

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. STONE] asks unanimous consent that next Wednesday be set apart for the consideration of bills reported from the Committee on War Claims.

Mr. BURROWS. There are several committees that want to have an opportunity for a hearing, and if the Committee on Rules will report a resolution covering them they can all be accommodated; but it is not fair to single out one committee and give it an advantage in this way.

Mr. STONE, of Kentucky. The reason I make this request is that the night we had assigned to us was frittered away.

Mr. BURROWS. Yes; but the Committee on Rules can report at any moment.

The SPEAKER *pro tempore*. The hour of 5 o'clock p. m. having arrived, the House takes a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m. The House was called to order by Mr. ANDERSON, of Illinois, as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 27, 1888.

SIR: Hon. GEORGE A. ANDERSON is designated to preside as Speaker *pro tempore* at the session of the House this evening.

Hon. JOHN B. CLARK,
Clerk House of Representatives. JOHN G. CARLISLE, Speaker.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MATSON. I ask unanimous consent that the call of the Calendar may begin where we left off last Friday night, with the reservation as to bills which may have been passed over that if any gentleman present desires to call up any such bill he be allowed to do so first, and that in calling the Calendar bills the consideration of which is not asked by any gentleman present shall be passed over.

There was no objection, and it was so ordered.

JOHN BUSH.

Mr. LIND. I ask unanimous consent to take up a Senate bill (S. 2124) granting a pension to John Bush. The claimant is ninety years old, and is not likely to live more than six months longer. The bill was not reported until this week, and unless I can have it considered at this time I doubt whether the allowance of the pension will be of any service.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota, in view of the statement he has made?

Mr. MATSON. I have a case myself in which the claimant is blind and in the poor-house, and I would like very well to have that bill called up out of its order.

Mr. SPRINGER. Those are both meritorious cases, and I suggest that they both be considered.

Mr. LIND. I have not asked anything of this kind before.

Mr. STRUBLE. The bill of the gentleman from Minnesota [Mr. LIND] is a Senate bill, so that if he can have unanimous consent the legislation can be completed to-night.

Mr. CARUTH. I have the most meritorious case on the Calendar. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. LIND]?

Mr. MATSON. I shall not object, though I do not think we ought to depart from the order.

Mr. LIND. It is a very short case.

Mr. SPRINGER. I also have a very meritorious bill. [Laughter.]

Mr. LAFFOON. So have I.

Mr. CHIPMAN. I have one, too. [Laughter.]

Mr. LIND. I understand that the Clerk has not the bill at hand, so I suggest that another case be taken up until my bill can be procured.

Mr. MATSON. Regular order.

The CHAIRMAN. The regular order is called for. The Clerk will report the first bill.

JAMES W. BOWMAN.

The Clerk read as follows:

A bill (S. 2449) granting a pension to James W. Bowman.

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 James W. Bowman, late a corporal in Company C, Seventh Regiment Tennessee Volunteers.

Mr. MATSON. Let the report be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2449) granting a pension to James W. Bowman, having examined the papers, concur in the Senate report, hereto attached, adopt the report as their own, and recommend the passage of the bill.

SENATE REPORT.

The petitioner was a corporal in Company C, Seventh Tennessee Volunteer Infantry, in the war of the rebellion. He enlisted September 5, 1862, and was discharged August 7, 1865, after a service of about three years. The claim for pension is founded upon injury incurred by a gunshot wound from the enemy near Decatur, Tenn., July 26, 1864. The facts in the case are very clearly proven to have been as follows: At the time referred to he was in the company, marching up the Tennessee River, under command of Lieutenant Renfrew.

The command halted for the night near the home of the soldier's father, who was a loyal man. The soldier asked leave to visit his father, to return next morning, and the officer in command granted the leave. He accordingly, under his leave, went to see his father, and while hiding in the woods near his father's house was shot down by the Confederate scouts or guerrillas. He was treated for the wound, and so far recovered that he returned to camp for duty some weeks afterward, but he never wholly recovered from the effects of the wound, part of the shot remaining yet in his back where he was struck. The examining board rate him at one-half disabled for the performance of

manual labor. The objection made to the claim is that the wound was not received while the soldier was in service in the line of duty. The soldier had not deserted; did not quit his command without leave; was returning to it when shot. If he had left the company without permission, or, having obtained permission, had gone elsewhere than to visit his father, or had overstaid his leave and had been injured, under any of these circumstances we should be inclined to reject the claim: but the permission to visit his father we do not think was unreasonable, nor that the soldier was to blame either for asking therefor or for using it when granted. When he left the camp temporarily with leave of absence, in good faith for that purpose, we do not think he was in any sense a deserter or out of the line of his duty.

The committee think the claim well founded, and recommend the passage of the bill herewith reported, granting a pension to the petitioner, to take effect from the passage of the act.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

NATHANIEL FRANCIS.

Mr. SHIVELY. Mr. Chairman, the bill (H. R. 9795) granting a pension to Nathaniel Francis has been passed over on the Calendar and I wish to call it up at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be placed on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Francis, late a private in Company D, Forty-eighth Indiana Volunteer Infantry.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9795) to restore Nathaniel Francis to the pension-rolls, have considered the same and now report:

The claimant was granted a pension March 3, 1875, from December 19, 1874, at \$18 per month for disease of the eyes, and was dropped, on special investigation, January 15, 1880, on the ground that the disease of eyes existed prior to enlistment.

The remaining history of this case is about as follows: Nathaniel Francis was enrolled as a private in Company D, Forty-eighth Indiana Regiment, January 27, 1862, and was mustered out with detachment February 1, 1865, having served the full three years of his enlistment. In a letter to claimant's attorney, July 16, 1880, Acting Commissioner Clark says, on special examination:

"The witnesses in general state that he was a man of intemperate habits before he enlisted, and that as a consequence he had diseased eyes. * * * That the case can not be receded from until it has been satisfactorily established that Francis was a temperate and sober man, and had no disease of the eyes prior to his enlistment."

The committee are of the opinion that the only question to be considered is as to whether said disease of the eyes existed prior to and at the time of enlistment, and, if it did not, was it incurred in the Army and in line of duty. The evidence produced on the examination established the fact that he was free from said disability at enlistment, and that it was incurred in line of duty as stated, for the reason that he was granted a pension at \$18 per month on the evidence submitted, which was very full and complete. The evidence taken in special examination for restoration is somewhat conflicting, but it seems to the committee that the preponderance is largely in favor of the claimant.

General M. B. Hascall, of Goshen, Ind., who knew claimant several years before enlistment, says he never noticed anything the matter with his eyes particularly.

John P. Truax says he has known him from his childhood and never noticed his eyes to appear sore or inflamed before enlistment.

Phillip Gordon says he has known claimant from his boyhood, worked with him and for him prior to his enlistment, and noticed nothing the matter with his eyes at and prior to his enlistment.

As to prior soundness, the following resident neighbors of the claimant testify that they knew him at the time and prior to his enlistment, and that his eyes were not diseased at that time: Lewis Lemert, W. W. Jarrell, Daniel Keobert, William Trobridge, Peter I. Grube, George W. Boyd, S. S. Miller, Johnson Brownlee, Lemuel Rhodes, Solomon Pearman, Levi Truax, Washington Tuttle, George W. Pitman, Liberty Cross, S. S. Mann, D. D. Dunn, Jacob Kelter, W. Thomas, W. E. Trobridge, W. C. Irks, A. L. Alleman, L. Thompson, A. C. Thompson, G. Kipfer, S. Thomas, W. C. Edwards, H. Herry, W. W. Welch, E. S. Lewis, Aaron Butts, L. Nussbaum, Samuel Lowe, Capt. Matt Boyd, W. Wilson, B. Brush, A. Abshire, L. Beagles, A. J. Johnson, G. W. Miller, R. J. Evans, J. Whitley, and several others, all truthful and reputable citizens of Marshall County, Indiana. In addition to this evidence of prior soundness, ninety-nine citizens, including professional and business men, who have known the claimant for many years, petition that he be reinstated on the pension-roll.

In addition to the foregoing a special examination was made in October, 1879, by Special Examiner Paul E. Williams. His examination seems to have been made with a view of establishing the allegation that the claimant was affected with sore eyes prior to enlistment, and not for the purpose of ascertaining the facts. He procured the evidence of several witnesses who were evidently prejudiced against the claimant, and he then adds:

"I submit the affidavits of several reliable persons, showing prior existence of the pensioner's disability, and that it was due to excess in life. I talked with and heard of others who knew the same facts, but I did not consider it necessary or advisable to further accumulate the proof."

The evidence he procured was almost entirely *ex parte*, and there is little doubt that his entire investigation was made with reference to establishing his theory of the case. The claimant was not present at this examination.

After a thorough examination of the voluminous evidence in this case the committee are of the opinion that there can be no reasonable doubt as to claimant's soundness prior to enlistment. The proof of his neighbors to that effect is overwhelming. We believe a great injustice has been done to the faithful soldier, who is now almost totally blind, and entirely unable to earn a living by manual labor.

We recommend that the title of the bill be amended to read as follows: "A bill to restore Nathaniel Francis to the pension-rolls." Also, in line 4, strike out the word "placed" and insert "reinstated;" and when so amended we recommend the passage of the bill.

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.

JOHN BUSH.

The CHAIRMAN. The bill which the gentleman from Minnesota [Mr. LIND] obtained leave to have considered is now at the desk and will be read.

The Clerk read as follows:

A bill (S. 2124) granting a pension to John Bush.

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 John Bush, late a soldier in Company D, First United States Infantry, and pay him at the rate of \$12 per month.

Mr. MATSON. How does this bill come up?

Mr. LIND. This is the bill for the consideration of which I obtained unanimous consent, but the bill was not here at the moment.

Mr. MATSON. The regular order was demanded. I understood the gentleman to say that his case was that of an old woman.

Mr. LIND. No, I said an old man—ninety years of age—which is the fact, as will appear by the report.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2124) granting a pension to John Bush, have considered the same, and report as follows:

This bill falls within the provisions of the general bill for pensioning the survivors of the Indian wars from 1832 to 1842, favorably reported by this committee at the present session.

The committee recommend that this bill do pass, and they adopt the statement of facts in the report of the Senate committee as part of this report, as follows:

[Senate Report No. 555, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2124) granting a pension to John Bush, have examined the same, and report:

This claimant enlisted at Baton Rouge, La., on the 16th day of June, 1825, in the First Regiment United States Infantry. He served ten years in Company D of said regiment, commanded by Col. Zachary Taylor, and was discharged at Fort Snelling in June, 1835. He served with his regiment at Fort Crawford, Wis., during the Black Hawk war. He is now ninety years old, is in very feeble health from the infirmities of age, and himself and wife are and have been for years entirely dependent upon charity for their support. Mr. Bush has been a worthy citizen of Minnesota for over fifty years.

In view of the long service rendered by this old soldier, his extreme age and helpless and dependent condition, your committee report back the bill with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA F. LEE.

Mr. LANHAM. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. MATSON. I would like to know any reason for giving preference to this bill.

Mr. PERKINS. Unless this is to be the order of the evening, I think I must object. I have been here six Friday nights in succession trying to get recognition or to have my bill reached.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]? The Chair hears none.

The Clerk read as follows:

A bill (H. R. 9704) granting a pension to Martha F. Lee.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Martha F. Lee, widow of William F. Lee, late a private in Capt. Isaac S. Vincent's company of Georgia Volunteers, and to pay her a pension from and after the passage of this act, and also pay to her the pension that accrued to the deceased soldier during the period his name was stricken from the roll of pensioners.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "and also pay her the pension that accrued to the deceased soldier during the period that his name was stricken from the roll of pensioners."

The report (by Mr. BLISS) was read, as follows:

William F. Lee, the claimant's late husband, served in Captain Vincent's company, Georgia Volunteers, for Cherokee removal, from May 14 to June 26, 1838. He was pensioned December 7, 1859, for rheumatism, was dropped under the act of February 4, 1862, for disloyalty, and restored from March 9, 1878, under the act of Congress approved that date.

His death, May 13, 1885, was due to the disease for which he was pensioned. His widow's pension claim, however, was rejected by the Pension Bureau on the ground that there existed no general law under which pension could be granted to the widow of a soldier whose death was due to causes originating during a period of peace prior to March 4, 1861.

The Cherokee removal under which this soldier served is not recognized as a war by the Pension Bureau.

In several similar cases the honorable Commissioner of Pensions has recommended relief by special act.

Moreover, this case falls within the scope of the bill to pension the survivors of the various Indian wars, reported by this committee and now on the Calendar of the House for consideration and action.

Your committee recommend that the bill do pass, amended, however, by striking out all after the word "act," in line 9, and all of lines 10 and 11.

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.

BENJAMIN A. BURTRAM.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 1762) granting a pension to Benjamin A. Burtram.

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 Benjamin A. Burtram.

The report (by Mr. MATSON) was read, as follows:

The committee, after a careful examination of the papers in this case, find that the facts set forth in the Senate report contain the essential features of the case, and we therefore adopt the same and recommend the passage of the bill.

"The claimant was a private in Company A, Ninth Regiment Kentucky Vol-

unteer Infantry, and served as such from November 26, 1861, to July 26, 1862. His claim is founded upon hernia and sciatic disease of left hip and side, incurred during his military service.

"The testimony shows that he was, and had been, prior to his enlistment and service in the Army, a sound, strong, healthy man, capable of doing all the ordinary labor in his vocation, that of farmer. The medical and non-medical testimony of distinguished witnesses on file abundantly shows that he is now laboring under the two diseases above named, and that the hernia, which is large and painful when reduced, disables him from the performance of manual labor almost totally. That is his present condition.

"It is objected to the claim that although his record shows hospital treatment, it is not stated therein that he was treated for the diseases specified above, nor is it shown for what he was treated. We think, however, that the evidence of his comrades on file is sufficient to supply the deficiency of the record in this respect.

"Two of his comrades, Marsh and Bertram, testify positively that they were present when the hernia and rupture occurred, and particularly describe the place, time, and occasion of its occurrence as being in camp at Columbia, Ky., while the soldier was engaged in lifting and unloading for removal arms in boxes under orders of those in command. They describe with the same particularity the attack of sciatic pains in side and hip.

"His near neighbors swear that when he returned from the Army after his discharge he was suffering from rupture; that they saw it and knew of it from working with him.

"We are of the opinion that the claim is well founded, and recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE M'QUADE.

The next business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 2448) granting a pension to Catharine McQuade.

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 McQuade, widow of Thomas McQuade, late a private in Company F, Sixty-ninth New York Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Senate Committee on Pensions have made the following report, which contains all the essential points in the case, and believing the case to be meritorious we adopt the same and recommend the passage of the bill:

"The applicant is the widow of Thomas McQuade, who was a private in Company F in Sixty-ninth Regiment of New York Volunteer Infantry, in the war of the rebellion. The husband died at New York City on November 6, 1887, and was at the time of his death a pensioner. The pension had been granted to him on account of disability incurred by amputation of the left leg, made necessary by an injury received in the service while in the line of his duty. His death, according to the testimony of Dr. _____, a reputable practitioner of medicine, was occasioned by Bright's disease of the kidneys, from which he had suffered for about five months, and by erysipelas of the right leg. The erysipelas of the right leg is shown to have been induced by the stress and weight of the body being thrown wholly upon the one leg, the stump of the other, by reason of abrasion, being too sensitive to bear any of the weight of the soldier's body. The soldier was a very heavy man, and in his business stood up a great deal of the time.

"We are not curious, perhaps not competent, to inquire what part was due to Bright's disease, what to erysipelas, in the mortal attack which caused the soldier's death. We think it is most probable that erysipelas was the exciting acute cause of his death.

"We are convinced that the soldier's death was caused, at least indirectly, by the injury first received in the service, and therefore report a bill to grant the petitioner a pension from the time of the passage thereof."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WHITE.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 2520) granting a pension to James White.

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 James White, late a fifer in Company K, Second Regiment Iowa Volunteers, at the rate of \$4 a month.

The report (by Mr. MATSON) was read, as follows:

Having carefully examined the papers in the case the committee recommend favorable action on the part of the House, and adopt the Senate report, as follows:

"That the petitioner enlisted in May, 1861, as a fifer in Company K, in the Second Regiment Iowa Volunteer Infantry, in which he served until August, 1862, when, being honorably discharged, he afterwards enlisted as bugler in the Seventh Regiment Iowa Cavalry, serving from March, 1863, until May, 1866, whence, being honorably discharged, he again, on the 7th day of December, 1866, enlisted for five years in the regular Army of the United States, and served until April 20, 1869, in Company H, Fifth Regiment United States Cavalry, at which last date he was honorably discharged, upon surgeon's certificate of disability.

"That at the time of his last discharge he was suffering from rheumatism and disease of the eyes. He was placed upon the pension list and was paid a pension for disability incurred by reason of his military service under certificate No. 128756, from 1867 to 1874, at which last date he was dropped from the roll upon the ground of no present disability at that time, as reported by an examining surgeon. Whatever may have been the fact then we think it very clear that the disability exists now, and, judging from the age and general physical condition of the claimant as shown by the evidence, will continue to be permanent.

"Dr. P. G. Rockwell, examining surgeon, under date of April 12, 1883, testifies that the claimant was suffering from enlargement of joints, general debility, and muscular weakness occasioned by rheumatism. Under date of June 4, 1887, E. C. Goodrich, another examining surgeon, certifies that he is suffering from disease of the eyes rated at one-quarter, and rheumatism rated at one-quarter, making one-half disability. Dr. Amory Coffin, under date of February, 1883, swears that he is suffering from same diseases above and rates his disability at one-half.

"His neighbors, James Anderson, T. A. Givens, W. H. Harbers, and Henry Hahn, testify to an acquaintance with him for twelve years; that he suffers from rheumatism and disease of the eyes so as to be partially disabled from the performance of manual labor. Their evidence covers a period extending from February, 1883, to July, 1887.

"We are of the opinion that the applicant ought to be restored to the roll, and that at the rate of \$4 per month, and do report and recommend the passage of a bill herewith returned for that purpose."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY CURTIN.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 2653) granting a pension to Mary Curtin.

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 Mary Curtin, widow of Timothy Curtin, late of Company I, Forty-eighth Massachusetts Volunteers.

The report (by Mr. MATSON) was read, as follows:

The committee, after considering this case, recommend the passage of the bill, and adopt the Senate report, as follows:

"That the claimant is the widow of Timothy Curtin, who was a sergeant in Company I, Forty-eighth Regiment Massachusetts Volunteer Infantry. He enlisted at a time not shown; was discharged September 3, 1863. The soldier was a pensioner at the time of his death by reason of gunshot wound in right arm, received at battle of Port Hudson, at the rate of \$16 per month. He died at Boston, Mass., September 17, 1880. His death is recorded as of pneumonia.

"The physician in attendance at last illness says that his disease was consumption; that he would have died in a few weeks from this latter disease; that the attack from pneumonia only hastened death. The claimant and her neighbors testify that the soldier upon his return home, immediately after his discharge, was greatly broken in health; that he had an incessant hacking cough and was thoroughly disabled for work; that this wound remained, almost constantly, an open sore; that when suppuration ceased the cough became worse, and that the waste from the wound weakened the system so as to prevent a cure of the cough; that this was his condition continuously until he died.

"Medical testimony supports this view, and although the claim was rejected by the Pension Office, yet we think it is shown sufficiently that the wound and its consequent results were the causes of the husband's death. We therefore report herewith a bill for the relief of the petitioner and recommend its passage."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET LONGSHAW.

Mr. WHEELER. I desire to call up a bill which has been passed over; it is on page 53 of the Calendar—the bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon, United States Navy.

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 the name of Mrs. Margaret Longshaw, dependent mother of the late Asst. Surg. William Longshaw, United States Navy, upon the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, have had the same under consideration, and find that the beneficiary of the bill is the mother of the deceased Asst. Surg. William Longshaw, United States Navy, who achieved during the late war a most enviable name and reputation; that he received the thanks of his commanding officers and of the Navy Department; that, in the language of Admiral Porter, "after adding to his record of gallant and meritorious conduct he was killed, close up under the glacis, in the assault of Fort Fisher, January 15, 1865."

"That this officer left neither widow nor child; that during his service he contributed largely of his pay to the aid and maintenance of his mother and father, and to the education of a younger brother.

"That beyond a small and utterly inadequate income contributed by her husband during his lifetime and a small and utterly insufficient income left her at his death, the mother of the deceased officer has no one legally bound to support her.

"That the mother is now advanced in years, very feeble and infirm, and requires the constant attention of another.

"That she filed her claim as a dependent mother before the Pension Bureau prior to June 30, 1880, and from the history of the case, record and parol evidence, we believe the claim to be meritorious and that its passage would be a simple act of justice.

Your committee therefore report back the bill (H. R. 9557) with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET GALLAGHER.

Mr. MOFFITT. I ask now to call up the bill (S. 5) granting a pension to Mrs. Margaret Gallagher; on page 57 of the Calendar.

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 Mrs. Margaret Gallagher, widow of Edward Gallagher, late private Company K, Forty-second Regiment New York Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

"Concerning this claim the Commissioner of Pensions writes to the chairman of this committee as follows:

"The soldier was pensioned for gunshot wound, causing amputation of right arm above the elbow. The record of death and the affidavit of attending physician show that he died twenty years afterwards of paralysis. The widow's claim was rejected, March 23, 1883, for the reason that the disease of which the soldier died (paralysis) did not result from any injury received or disease contracted in the service. The medical referee of this Bureau says: 'A gunshot wound followed by amputation can not be accepted as the cause of death occurring twenty years after.'

"The petitioner states that she is a cripple by reason of rheumatism in the legs and that she is very destitute. It appears from the Pension Office records that she married the soldier, Edward Gallagher, November 13, 1862. Gallagher died August 6, 1881.

"Dr. Robert A. Joyce deposes, September 23, 1881, that he attended him in February, 1881. He was then suffering from extreme weakness from hemiplegia; next examined him on August 5, and found him suffering from paraplegia, which caused his death on the following day; believes the remote cause of said paralysis to be the shock from a wound received at the battle of Ball's Bluff, which wound necessitated the amputation of his arm immediately below the shoulder-joint.

"Hugh J. Curran deposes, April 25, 1884, that Gallagher was a strong, healthy man when he enlisted; that deponent was called in to see him after his return in 1861, and found him suffering acutely; summoned Dr. Leonard K. Sheldon, who has since died, who pronounced his illness a bad case of fever and ague and diarrhea; knows that he was subject to these spells up to the time of his death, having on several occasions helped him home when attacked by them on the street; his gait was very unsteady, that of a man much enfeebled by sickness.

"Drs. W. E. Richards and C. P. Grove jointly depose, April 22, 1884, that they treated Gallagher professionally from March 2, 1881, to June 22, 1881, seeing him once each day; that the remote causes of his death were a fall of about 80 feet, caused by a volley that shot off his right arm above the elbow, at the same time precipitating him from the top of the bluff (battle of Ball's Bluff) into the Potomac River; total neglect to dress; his wound for twenty-four hours, and almost total prostration resulting from loss of blood. All these conspired to create an inflammatory process in the posterior column of the spinal cord, which finally assumed the form of sclerosis. There was numbness in the feet, left leg, and trunk up to the waist line; insensibility to puncture made with a pointed instrument. This condition extended through the left arm and third and fourth fingers. Other indications of paralysis are stated with considerable detail, and there is no doubt that the immediate cause of his death was paralysis.

"Your committee has been furnished with an additional affidavit of Dr. Grove, dated February 10, 1888, who attended the deceased in his last sickness, which tends to show that the fatal disease was induced by the wound and the fall which the claimant received at Ball's Bluff; that it had affected him for years before his death, and was progressive in its character.

"The passage of the bill is recommended."

Your committee are of opinion that the case is meritorious, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE BUSEY.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. CARUTH) was the bill (H. R. 333) granting a pension to Catharine Busey.

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 Catharine Busey, subject to the provisions and limitations of the pension laws.

Amend the title so as to read: "A bill granting a pension to Catharine Busey."

The report (by Mr. HUNTER) was read, as follows:

Frederick Bussey enlisted in the Army of the United States as a private in Company K, Fifth Kentucky Infantry, on the 9th of September, A. D. 1861, and was mustered out at Louisville, Ky., December 9, 1864.

While in the service it is claimed that Bussey suffered a sun-stroke, and there is a good deal of proof going to establish this fact. He, however, subsequently served, and when finally discharged returned home to his family. Before the war his health had been good, his mind sound, and his family history good. He had never been known to exhibit the slightest sign of insanity. Shortly, however, after his discharge he showed evidences of mental trouble. He would wander away from home, and when found be unable to account for his movements.

On two occasions, while suffering from this trouble, he was found wandering aimlessly about and was arrested and taken to the station-house for safe keeping. These attacks became more frequent. He was unable to support his family; worked very irregularly. One day, without a word to his fellow workmen or to his wife or children, he left the shop in which he had been working a short time, and after being gone a week or more, without his family or friends knowing anything of his whereabouts, he was found dead on a railroad track near Franklin, Ind. He had been run over and killed by a passing train.

Mrs. Bussey's application for a pension was rejected on the ground that her husband's death was not occasioned by disease contracted in the service. It is plain that the sun-stroke would, as it does in many cases, have a tendency to produce insanity. Doubtless the insanity of Frederick Bussey led to his death. Should not the doubt be resolved in favor of the widow, who was deprived of assistance in caring for and raising her children on account of the disease and death of her husband? As the death may be fairly attributed to the insanity produced by a sun-stroke received in the service during the war, your committee think that this widow, who is poor and needy, should be pensioned.

Your committee propose to amend the bill by correcting the name "Busey" in the title and where it appears in the bill to Bussey, and by adding, after the name in line five, the words "widow of Frederick Bussey, late a private in Company K, Fifth Kentucky Infantry," and recommend, when so amended, that the bill do pass.

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH A. SOUTH.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. FINLEY) was the bill (H. R. 6848) for the relief of Elizabeth A. South.

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 upon the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Elizabeth A. South, the widow of John B. Wells, late private in Company B, Twenty-first Kentucky Volunteers in the late civil war, and be paid a pension as though she had not again married.

The report (by Mr. HUNTER) was read, as follows:

John B. Wells, the first husband of Elizabeth A. South, was enrolled on the 1st day of November, 1861, in Company B, Twenty-first Regiment of Kentucky Volunteers. He was killed in action near Murfreesborough, Tenn., January 2, 1863. Elizabeth A. South, then Elizabeth A. Wells, made application for pension, and was placed upon the rolls as the widow of said John B. Wells. Afterwards she was united in marriage to Samuel South, with whom she lived several years. At the date of said marriage her pension ceased. At the time of her

marriage with South, as appears from several affidavits on file, she was in "easy circumstances."

South turned out to be a "worthless, dissipated drunkard," and squandered all her property except the little home in which she now lives. Finding she could live with him no longer, a separation took place and she applied for and was granted a divorce. She has no children under sixteen years old by her first husband, John B. Wells. She appears to be in destitute circumstances, and she now asks to be reinstated on the pension-roll as the widow of John B. Wells. Having given the matter careful consideration, the committee are of the opinion that the relief asked for ought to be granted.

We therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL PIERCY.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. FINLEY) was the bill (H. R. 3710) granting a pension to Samuel Piercy.

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 all the provisions and limitations of the pension laws, the name of Samuel Piercy, who served in Company E, Ninth Kentucky Volunteer Infantry, in the late civil war.

The report (by Mr. HUNTER) was read, as follows:

From the proof on file in the Pension Office and affidavits before the committee Samuel Piercy was enlisted as a private in Company E, Ninth Kentucky Volunteer Infantry, on the 4th day of October, 1861, at Camp Jo Underwood, in Warren County, Kentucky; that on the 24th October, 1861, while on duty, he was captured by a Tennessee regiment of Confederate cavalry and carried to Bowling Green, Ky., where he contracted measles; that upon his recovery he was removed to Nashville, Tenn.; that in consequence of his not having fully recovered from measles and from exposure, he had a relapse; he was taken from Nashville to Salisbury, N. C., and from there to New Berne, N. C., and from thence to Washington, N. C., where he was paroled and sent to New York, and from thence home in June, 1862, and that he did not afterward join his regiment and was never discharged from the service.

He filed his claim for a pension September, 1883, and the same was rejected September, 1887, "upon the ground of neglect and apparent inability of claimant to furnish his correct service or certificate of discharge." The claimant shows by his own statement the hardships he endured while a prisoner, and the fact that when he came home after exchange he was unable to again rejoin his regiment on account of his ill health. This is sustained by the testimony of Daniel J. Street and Samuel C. Sloat, both of whom belonged to the company and regiment, and acted as second lieutenants in said company and regiment, and who are certified to be men of reputation for truth and veracity, and speak from personal knowledge of the facts. Claimant is not reported as a deserter.

He seems to be an illiterate, ignorant man, and has depended upon himself to prepare his case, which, in the opinion of the committee, has been to his prejudice, and by reason of which his claim for pension was rejected; for it is evident from the proof before your committee that he contracted disease in the service and in line of duty, and which has continued to the present, and by which he is disabled from performing manual labor, his only means of support, as is shown by the examining surgeon's report on file to be at least three-fourths, on account of disease of lungs caused by a relapse from measles, cold, and exposure while a prisoner of war.

They believe this to be a meritorious case, and recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ALBERT O. ROBB.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. THOMAS, of Kentucky) was the bill (H. R. 9399) granting a pension to Albert O. Robb.

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 Albert O. Robb, formerly a private in Company K, Twenty-third Regiment of Kentucky Volunteers.

The report (by Mr. HUNTER) was read, as follows:

Albert O. Robb, enlisted September 11, 1861, as a private in Company K, Twenty-third Kentucky, and was discharged upon surgeon's certificate of disability by reason of contraction of tendons of both feet. Date of discharge, January 7, 1863. He applied for a pension, No. 418181; his claim was rejected November 17, 1886, on the ground that the alleged disability of feet existed prior to the soldier's enlistment.

The said Robb claims that in Tennessee, after a forced march from Lebanon to Murfreesborough; thence to sight of Nashville, Tenn., thence back to near Lebanon, and on to Murfreesborough, covering about two days in the spring of 1862, he first noticed a severe pain in feet and ankles and a swelling of the joints of the feet; was in the hospital at Murfreesborough suffering with inflammatory rheumatism in the feet; remained there two or three weeks and was treated by the surgeons of the regiment; got better and marched with the regiment to Louisville, when General Buell was after Bragg; camped between the canal and river, when he got worse again, and when Buell followed Bragg to Perryville he was not able to march and was sent by Captain Mavity to Park Barracks, at Louisville, and quartered in a tent and treated by the surgeon, Dr. Goldsmith, who is dead; remained there till discharged June 7, 1863.

Mr. F. M. Kelly says that—

"He knew Robb from 1855 to 1860, and met after the war. He worked with him before 1860, and up to that year from 1855 off and on, and he then seemed to be sound. After he returned from the Army he complained of rheumatism."

Hon. L. J. Proctor, a leading lawyer of Kentucky, says that—

"He has known Robb since he was a boy; that said Robb worked for him in the years 1858, 1859, and 1860, and that said Robb was during that time a stout, able-bodied, healthy man, and had always been stout and healthy from the time affiant first knew him up to the spring of 1861, the last time affiant saw him before he enlisted in the Army. After he enlisted the affiant did not see him except once until after the close of the war, when he again came to live with affiant and did live with affiant from 1865 to 1870, at Mammoth Cave.

"When he returned to the cave in 1865 or 1866 he was very lame and complained very much of rheumatism in feet, legs, and hips, and his feet and toes at that time and during the time he lived with me between 1865 and 1870 had the appearance of being badly diseased. The toes and leaders of his feet were badly contracted. During the time he (Robb) was in Park Barracks, at Louisville,

this affiant visited said barracks and saw the applicant there and he was then very lame, apparently in bad health, and suffering from cold and rheumatism. He knows that said applicant was a sound, healthy man up to the spring of 1861, and that he has been a cripple and diseased since the first time this affiant saw him after his return from the Army, and that he is now a cripple, unsound, and unable to perform manual labor for support."

Sutton Parker, private, Company K, Twenty-third Kentucky, says in an affidavit:

"First new claimant at enlistment, at which time he seemed to be in good health; was able to do duty at first; marched through Kentucky without making complaint; but in winter of 1862, while in Tennessee, he gave out in his feet; his feet swelled up; had bumps on them so that he could not march and was discharged."

The United States examining board at Bowling Green, Ky., made an official examination of claimant on the 27th day of January, 1866, and stated as follows:

"Both feet are tender and ligaments drawn so as to throw most of the weight of body upon the outer side of feet when walking or standing; great toes are contracted and articulations enlarged; heart sounds normal; lungs, liver, spleen, etc., normal; no other evidence of rheumatism present."

From all the proof in the application for pension the committee is of opinion that this is a meritorious case, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES S. BAKER.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. LAIDLAW) was the bill (H. R. 9792) to increase the pension of Charles S. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Charles S. Baker, late a private of Company B, Seventy-second Regiment New York State Volunteers, to \$72 per month in lieu of the pension now received by him.

The report (by Mr. SAWYER) was read, as follows:

The beneficiary above named was a private in Company B, Seventy-second Regiment New York Volunteers, mustered into the service June 20, 1861, and was discharged September 6, 1862, for disability. He was pensioned at rate of \$4 per month from the date of his discharge to May 24, 1878, and since then his pension has been increased from time to time as his disability increased, till his pension was raised to \$39 per month from June 23, 1886, for piles, disease of the lungs, and resulting disease of the heart.

The claimant was examined by a board of physicians at the Pension Department at Washington on the 18th day of May, 1887, and the board gave him a rating of \$30 per month, and they certify in their opinion as follows:

"From present indications and condition of this claimant, it is our opinion that he will not live a year, unless great changes for the better should appear, which we doubt."

The man is totally blind, but not on account of any injury received in the service; he is very poor, and has no means of living except his pension; his disability consists of piles; disease of the lungs, and resulting disease of the heart; he has not improved since he was examined as aforesaid, but has grown worse; his pulse is from 110 to 140. He is subject to fainting fits, arising from the imperfect action of the heart, and upon such occasions he has to have the assistance of an attendant to rub him and otherwise stimulate the circulation; and while it can not be said that he needs the constant attention of another person, still it can hardly be safe for him to be much alone. And although his blindness is not the result of his military service, still the committee can not forget that fact in considering the condition of this poor, unfortunate, suffering soldier.

The evidence shows that he can live but a short time at the best, and that his afflictions and sufferings will increase as the weeks go by. The committee believe that this is a case justifying Congress in granting special relief, and therefore recommend that the bill do pass, with an amendment striking out the words "seventy-two," in the sixth line, and inserting in lieu thereof the words "forty-five."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RUSSEL L. DOANE.

The next business on the Private Calendar (the consideration of which was asked by Mr. WHITING, of Michigan) was the bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Sanilac County, Michigan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Russel L. Doane, of Peck, Sanilac County, Michigan.

The report (by Mr. CHIPMAN) is as follows:

Russel L. Doane is the father of Demoster Doane, second lieutenant in Company D, Thirty-fifth Regiment of New York Volunteers, who died on the 22d day of September, 1861, at Peck, in Sanilac County, Michigan, and who, up to the time of his death, supported the claimant, who is now over eighty years of age, incapable of manual labor, and destitute of the means of support.

While there is no doubt that Congress will provide by general legislation for cases of this kind, the advanced age of the claimant demands that he be relieved now, if he is to be relieved at all during his lifetime.

Your committee recommend that the bill do pass, with the following amendment, namely: Add after the word "Michigan," in the last line, and the words "dependent father of the late Demoster Doane, late of Company D, Thirty-fifth Regiment New York Volunteers."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN J. SNEDAKER.

The next business on the Calendar (the consideration of which was asked by Mr. CHIPMAN) was the bill (S. 2313) granting a pension to Ellen J. Snedaker.

The bill is 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 Ellen J. Snedaker, the dependent mother of James W. Snedaker, late second lieutenant of Company D, One hundred and eleventh Regiment New York State Volunteers, and of Albert I. Snedaker, late a private in the same company and regiment.

The report (by Mr. CHIPMAN) is as follows:

Ellen J. Snedaker was the mother of two sons, both of whom died in the service of the country, the elder on the battle-field, the younger as a prisoner of war at Andersonville. She and her husband are very old, and in destitute circumstances, but when their sons entered the service were prosperous and in no sense dependent on them for support. Misfortune has overtaken them with age, and the husband is afflicted with mental weakness, which renders him unfit to perform even the labor which his advanced age might be capable of. He, after the war, recovered and bore to his home the bodies of his boys.

Mrs. Snedaker makes claim because of the mental condition of her husband. The Commissioner of Pensions properly decided against her because she could not show dependence on her sons, or either of them, at the time of death.

The committee think that there ought to be a presumption that the boys would care for their parents.

They recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM WALLACE YOUNG.

The next business on the Calendar, the (consideration of which was asked by Mr. CHIPMAN) was the bill (S. 1575) granting an increase of pension to William Wallace Young.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase, subject to the provisions and limitations of the pension laws, the pension of William Wallace Young, late a private in Company B, One hundred and twenty-first New York Volunteers, to the rate of \$30 per month.

The report (by Mr. CHIPMAN) is as follows:

The following is the report of the Senate committee on this bill:

"The petitioner was a private in Company B, One hundred and twenty-first New York Volunteers. He was pensioned at \$4 and increased to \$6 a month for disabilities resulting from confinement in rebel prisons. He alleges that while in Florence prison, South Carolina, in February, 1865, he contracted diarrhoea, disease of liver and kidneys, and lung disease and scurvy while a prisoner of war, by exposure and starvation, resulting in general debility.

"His capture and imprisonment are shown by the war records, and in the same report his disability is thus described by the surgeon: 'Debility, induced by improper and insufficient food while a prisoner in the hands of the rebels.'

"From the testimony of his neighbors, who are ascertained to be credible, it is proven that he was sound when he enlisted, entirely free from any of the diseases incurred while in service.

"Sergt. Nathaniel Post testifies that while in Florence prison, about the 23th of February, 1865, he contracted diarrhoea, liver, kidney, and lung disease, and scurvy, which was caused by exposure and starvation, and resulted in general debility; that these facts are known to affiant, who saw claimant in the engagement at the Wilderness, Virginia, when he was in good health and capable of extraordinary endurance; that after his release from prison, on his way home on furlough, affiant again saw him, when he was emaciated, broken down, and so weak that he feared he would not live to get home.

"Drs. Brown and Wilcox testify to having treated him for the disabilities claimed, and to his low condition. Recent medical examinations show that he is not able to perform manual labor; that his condition is not only helpless, but pitiable.

"There is a mass of convincing testimony in substantiation of his claim for increase, a careful examination of which convinces the committee that his pension is too low. The bill is reported favorably, with a recommendation that it do pass."

The claimant seems to need an attendant, and the amount proposed by the bill is barely sufficient to give him proper attention.

We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ERNST HEIN.

The next business on the Calendar (the consideration of which was asked by Mr. CHIPMAN) was the bill (S. 2413) granting an increase of pension to Ernst Hein.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ernst Hein, late a private in Company H, Eighteenth Massachusetts Volunteers, at such a rate and increase over and in addition to the pension now received by him as he may be entitled by reason of gunshot wound in the index finger of the left hand.

The report (by Mr. CHIPMAN) was read as follows:

The committee adopt the Senate report hereto appended and recommend that the bill do pass.

Claimant enlisted in Company H, Eighteenth Massachusetts Volunteer Infantry, August 20, 1861, and was discharged September 7, 1863, on account of atrophy of left arm, contracted since enlistment; re-enlisted in Company C, Thirtieth Veteran Reserve Corps, June 18, 1864, and was discharged November 13, 1865. By act of Congress approved June 1, 1880, he is now drawing a pension of \$10 per month on account of paralysis of left arm and disease of stomach.

Claim for pension on account of wound of index finger of left hand was rejected June 17, 1883, on the ground that there is no record of the alleged wound on file at the War Department, and claimant is unable to furnish satisfactory evidence showing the incurrence of the same in the service and in the line of his military duty.

The testimony in the claim is as follows: In his declaration filed June 2, 1876, claimant states that his left hand was crippled in the service May 2, 18 3. In affidavit filed March 18, 1884, claimant states that he was wounded in left index finger at the battle of seven days' fight before Richmond, Va., June or July, 1862. In affidavit filed October 17, 1884, claimant states that he was absent from his company on provost duty at the time he received the wound, and none of the commissioned officers of his regiment were present at the time, and that consequently he can furnish the testimony of no officer, with the exception of Surgeon W. Holbrook, who dressed his wound; nor can he furnish the testimony of any of the comrades of his regiment, for the reason that none of them were present with him.

W. Holbrook, surgeon, Eighteenth Massachusetts Volunteer Infantry, in affidavit filed July 27, 1883, testifies that he dressed the wounds of the forefinger of the left hand of claimant at the first battle before Richmond, Va., June or July, 1862, and that claimant had been taken out of his regiment and placed on provost guard; that claimant was not sent to any hospital, but was excused from duty for about three weeks.

In affidavit filed November 26, 1884, George W. Smith, a sergeant of Company H, Eighteenth Massachusetts Volunteer Infantry, testifies that claimant was detailed on provost-guard duty, and sent to the rear of the Army to keep up stragglers, and that he was not wounded in his index finger when he left the regiment, but that after the lapse of a few days, when he returned to the regiment, he was wounded in the upper knuckle of his left index finger, and affiant was informed that the said claimant received his wound in the battle before Richmond, Va.

In affidavit filed November 26, 1884, Charles H. Drew, captain of Company H, Eighteenth Massachusetts Volunteer Infantry, testifies that in June, 1862, claimant was a sound man and a faithful soldier; but subsequently it is said that claimant was wounded in the left index finger; that he has no personal knowledge that such was the case, but believes the statement of claimant.

In affidavit filed June 2, 1876, Dr. William Russell, of Oneida County, New York, testifies that he finds upon examination that there has been a fracture of the metacarpal bone of the forefinger of the left hand, involving the joint; that there is now a false joint with considerable deformity; that he has been acquainted with claimant since 1866, and has personal knowledge of his disabilities.

The board of United States examining surgeons, at Utica, N. Y., rate claimant one-fourth for wound of index finger of left hand.

Favorable action is warranted by the facts in the case, and your committee, therefore, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. JONES.

The next business on the Calendar (the consideration of which was asked by Mr. PERKINS) was the bill (H. R. 775) granting an increase of pension to John D. Jones.

The bill is 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 John D. Jones, late a private in Company G, Seventh Kansas Cavalry, and pay him a pension of \$40 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 775) granting an increase of pension to John D. Jones, submit the following report:

The claimant in this case is suffering from lung difficulty, is totally deaf in the right ear, and is nearly blind. His eye-sight is so impaired that it is impossible for him to work, or to do anything to earn a support for himself and those dependent upon him. He was a member of Company G, of the Seventh Kansas Infantry Volunteers, and for his disabilities contracted in the military service is drawing a pension of \$10 per month. This pension is on account of lung difficulty and total deafness of the right ear, he receiving nothing in consequence of the loss of his eye-sight. He has drawn pension since January 12, 1883, but has only been allowed his present rate since November 15, 1887.

The claimant is a poor man and has a dependent mother to care for, the widow of an old soldier, as well as his own family, and in consequence of his infirmities is the subject of private and public charity. In 1882 he was employed as a day laborer in a coal-mine and was engaged with other workmen in blasting the cap-rock. The fuse was fired and the rock exploded, and the burnt powder and broken pieces of stone were thrown into the face and eyes of the claimant so as to seriously burn and injure him and to destroy almost totally his power of sight. At present it is said he can distinguish between daylight and night, and can wander about his home without a guide, but he can not see to do any work. The workmen who were engaged with him in blasting rock escaped without injury, but the claimant did not hear the burning of the fuse and had no notice of the explosion, and thus received his serious injury. Workmen employed with him make their affidavits, in which they state that had it not been for the defective hearing of the claimant he could have heard the burning of the fuse, and would have had notice of the pending explosion and could have protected himself.

The claimant swears that he did not hear the fuse when burning, and while it is thus shown that the explosion was the direct and immediate cause of the injuries which resulted in the destruction of claimant's eyes, yet we believe it is logical and consistent to believe that had it not been for his defective hearing, which resulted from his army service, he could and would have protected himself from this serious misfortune. The officers of the county where the claimant resides and many of the leading citizens, knowing the circumstances, ask in justice that his pension shall be increased. In view of the evidence and all the circumstances your committee believe that the claimant should be granted a pension for that disability, and hence recommend that the bill be amended so as to strike out the word "forty" in the sixth line of the bill, and insert the word "thirty," and after the word "month," in the seventh line, add "in lieu of the pension he is now receiving," and with these amendments they recommend the passage of the bill.

During the reading of the report,

Mr. STRUBLE said: I ask unanimous consent to dispense with the further reading of the report. Enough has been read to establish this case beyond question.

Mr. LANE. Let the remainder of the report be read.

The Clerk resumed and concluded the reading of the report, as above. The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. NANCY E. SPENCER.

The next business on the Calendar (the consideration of which was asked by Mr. PERKINS) was the bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy E. Spencer, widow of Charles L. Spencer, late of Company H, Forty-seventh Regiment Iowa Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer, submit the following report:

The claimant in this case is the widow of Charles L. Spencer, late a private in Company H, Forty-seventh Regiment Iowa Infantry Volunteers. The soldier enlisted May 9, 1864, and was discharged September 28, 1864, and died on the 14th day of April, 1886. On the 1st day of March, 1885, the soldier made his application for a pension, alleging as his disability diarrhea and enlargement of the liver and spleen. The claim was prosecuted to a successful termination, and on the 29th of September, 1887, he was pensioned for diarrhea and disease of liver and spleen. This, however, was not until after the soldier was dead, and the pension ceased at his death, April 14, 1886.

The claimant presented her claim for widow's pension on the 25th of October 1886, which was rejected on the ground that the disease of which the soldier died was not due to disease contracted in the service. In this we think the Pension Office was in error. Dr. W. W. Woodmir, who was the attending physician, testifies that Mr. Spencer died of pneumonia and chronic diarrhea, and Dr. John T. Davis says, in an affidavit filed, that he saw Mr. Spencer during his last illness and was called in as a consulting physician, and found him much emaciated from chronic diarrhea and suffering at the time from pneumonia, from which he died.

Why this evidence is not accepted as satisfactory by the Pension Office your committee does not understand. These physicians are reputable gentlemen, and Dr. Woodring is a member of the board of United States examining surgeons at Independence, Kans., appointed by this Administration, and stands well as a physician and gentleman.

There is also much other evidence filed, all tending to prove that Mr. Spencer's death was caused by his army ailment as well perhaps as by pneumonia. One W. H. H. Price, who is vouched for by your committee as a most honorable and reliable man, says, in an affidavit, that—

"He was intimately acquainted with Charles L. Spencer during his lifetime, from about November, 1884, to the time of his death, and for something near two years of said period saw said Charles L. Spencer almost every day, and that from the beginning of said acquaintance he complained of chronic diarrhea, liver, and spleen troubles, resulting from exposure while in the Army as a soldier in the military service of the United States, and for which above-named disability said soldier was pensioned. Affiant knows that the said soldier was very much reduced in strength and flesh during the entire period of affiant's acquaintance with him by reason of chronic diarrhea and liver trouble, as alleged by him, and his system finally became so impregnated with disease as to produce a cancerous affection, which was finally reduced and almost entirely eradicated some time prior to his death.

"Affiant visited deceased just prior to his death, and from the general appearance of the patient and the odor in the room just preceding his death he has every reason to believe that chronic diarrhea was the real cause of his death. Affiant derives his knowledge, first, from the fact of his intimate acquaintance with deceased; second, from experience by reason of having been an acting hospital steward in the Army and a thorough acquaintance with diseases to which this man's seemed so closely allied; third, from taking an interest in the case and watching the progress of the disease for a long period; and he believes that soldier died from chronic diarrhea, combined with liver trouble, contracted in the military service of the United States."

Samuel N. West, another responsible witness, makes an affidavit much like Mr. Price's, and in it he makes the following statement:

"The condition of the body (after death) was such that it was almost impossible to prepare the body properly, from the fact that his chronic diarrhea had made such rapid decay of the body that the odor was almost unbearable, even after using all the deodorizers possible to obtain."

Mr. Spencer left his family poor, and the claimant, with those children under sixteen years of age, is without means of support; and it is the judgment of your committee that the bill for the relief of this poor widow should pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWIN E. CHASE.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. FUNSTON) was the bill (S. 2571) granting a pension to Edwin E. Chase.

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 Edwin E. Chase, late of Company B, Third Regiment Massachusetts Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2571) granting a pension to Edwin E. Chase, submit the following report:

The report of the Senate Committee on Pensions is hereby adopted, and the passage of the bill recommended.

[Senate Report No. 1096, Fiftieth Congress, first session.]

The claimant under the bill enlisted in Company B, Third Massachusetts Cavalry, in August, 1862; was thrown from horse while carrying a dispatch as orderly on the march from Barré's Landing, Louisiana, in May, 1863, causing an injury which resulted in rupture of the right side; was taken to hospital at Brashear City, La., May 29, 1863, and transferred to Barracks General Hospital, New Orleans, June 12, 1863; was furloughed from there February 9, 1864, and "sent North to save life," as certified by surgeon, who also certifies that "soldier has done no duty for a year," that "disease is still persistent—is unfit for Invalid Corps." Upon which claimant was discharged.

An application for pension was filed November 15, 1880, but being unable to furnish the evidence required by the Pension Bureau, the claim was rejected September 13, 1883. This inability to procure testimony was due partly to death of officers and partly to the fact that his injury occurred while separated from his regiment on detached duty, and that he was taken directly to hospital, not joining his regiment for duty thereafter while he remained in service. There is, however, evidence of his soundness before enlistment; of his presence in active duty until the date of injury; of his confinement in hospital and on furlough until discharge, and of his affliction with hernia after discharge and its continuance to the present.

Included in this testimony is the certification of his disability by fifteen citizens of claimant's home, and the following letter addressed to the Commissioner of Pensions by Dr. Albert H. Blanchard, late surgeon of the claimant's regiment, a voluntary tribute of justice to an unfortunate soldier:

SHERBORN, MIDDLESEX COUNTY, MASSACHUSETTS,
October 16, 1883.

SIR: Having been informed that the claim (No. —) of Edwin E. Chase, Company B, Third Massachusetts Cavalry, has been rejected for want of sufficient evidence, I would respectfully represent that Mr. Chase is one of those unfortunate persons who, deserving a pension, are unable, from the circumstances in

which they are placed, to prove their claim. The fact that the records of the War Department fail to show the nature of his disability is by no means conclusive proof that he was not disabled.

I know from personal observation and inspection of said Chase, in August, 1863, that he was reduced to the lowest ebb of life by malarial or intermittent fever while at barracks hospital, New Orleans, and it would be very natural that only that disease should be recorded, especially as his right inguinal hernia was then only imperfectly developed and he did not himself fully know the nature of it, having only a serious weakness in that region, to which he did not call the attention of the surgeon. I know that the fever was incurred in the line of his duty in the United States service, and I firmly believe that the hernia was also incurred by the violence he sustained when thrown from his horse while on the march from Barré's Landing, Louisiana, in May, 1863. Col. T. E. Chickering and others who could have proved his claim are dead. He was separated from his comrades by being left in hospital in an insensible condition (from the fall from horse) while the regiment marched on; and these are some of the reasons why he can not furnish the required evidence.

Some members of the regiment belonging to his own and other companies well remember his prostrated condition and how narrowly he escaped from death, and they are men of good repute and have so testified to me. That his hernia was also a result of the accident and the extreme debility accompanying the fever, I am fully satisfied, and I would respectfully urge a reconsideration of his case as that of a needy and deserving man.

I write this only from an interest in his welfare, and from no pecuniary consideration whatever.

Very respectfully, your obedient servant,

ALBERT H. BLANCHARD, M. D.,
Late Surgeon Third Massachusetts Cavalry.

THE COMMISSIONER OF PENSIONS.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE ANDERSON.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. ANDERSON, of Kansas) was the bill (S. 2366) granting a pension to Mrs. Emeline Anderson.

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 Mrs. Emeline Anderson, widow of Jeff Anderson, late private in Company K, First Regiment Minnesota Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2366) granting a pension to Mrs. Emeline Anderson, submit the following report:

The facts in this case are fully and clearly set forth in the accompanying report of the Senate Committee on Pensions, which is adopted, and the passage of the bill recommended.

[Senate Report No. 1015, Fiftieth Congress, first session.]

The husband of claimant under the bill was late a private in Company K, First Regiment Minnesota Cavalry, which was organized for and employed in the campaign against the Sioux Indians in 1862-'63, and while in such service contracted asthma and heart disease, under circumstances which are detailed in the affidavit of John Emerson, a comrade, as follows:

"I was well acquainted with said Jeff Anderson previous to enlistment, and enlisted at the same time, about November 1, 1862, and occupied the same quarters with him at St. Peter and Kasota, Minn., until the following spring, and was with him on Samuel Sibley's Indian expedition in the summer of 1863, and was discharged with him at Fort Snelling, Minn., November 28, 1863, and afterwards been living in the same settlement until he died, September 27, 1879. I further testify, from personal knowledge, that said Anderson contracted a severe cold in the fall after enlistment at St. Peter, Minn., on account of being obliged to do duty, exposed to the severe cold weather, without sufficient blankets and clothing.

"That said Anderson and myself enlisted with the expectation to receive Government clothing when we arrived at St. Peter, but got only one blanket for each man, and received no clothing till towards spring, and we were obliged to live in a very cold building, and perform duty in very cold weather, without sufficient clothes to wear or sleep under to keep off the cold. That said Anderson was taken with a very severe cold, which resulted in asthma, and afterwards his heart became affected, and I remember he was doctored for these diseases while we were in the Army. I knew said Anderson well after discharge, and know the asthma troubled him more and more every year, so that the last ten or twelve years he lived he was unable to perform any labor of any kind whatsoever, and he was never free from heart trouble after discharge until he died, to my personal knowledge. I was not present when he died, but learned he died very suddenly. I further testify that Anderson was a very temperate man during all the time I knew him."

Dr. Rhodes, assistant surgeon of soldier's regiment, who, after death of surgeon in July, 1863, had charge of all the sick, testifies:

"I remember claimant was a Scandinavian and was troubled with asthma and heart disturbance, the latter apparently functional at that time. He often reported at sick call for treatment, and my memory of his case was distinct, as there was unusual congestive action about his lungs and heart in what appeared to be a recent case. After treating him for some weeks without much improvement in his general symptoms, we were separated by order and I saw him no more."

"Dr. Foster, a practicing physician of thirty years, knew soldier before enlistment, and knew him as a stout, hearty man. He treated him immediately after his discharge in 1863 and in the following year for asthma, which resulted in heart disease, and with which he was badly afflicted, and this, in deponent's opinion, was the direct cause of his death.

"Knute Johnson lived near soldier before enlistment and after discharge; knew him to be a strong, healthy man before, and that he suffered with asthma after discharge in 1863 to death in 1879; knows that he was treated for asthma by Drs. Winch and Story, both dead. Understood him to have died of heart trouble brought on by asthma.

"No more specific or official testimony was furnished by claimant, either of sickness in service or immediate cause of death, because the Adjutant-General's Office reports 'regimental hospital records not on file' covering service, and the sparsely settled district of Minnesota in which soldier died rendered the attendance of a physician during last illness and a coroner's inquest after death impracticable. But, lacking evidence of the highest grade, the available testimony is direct, plain, and conclusive, and justifies the committee in a favorable report.

"The bill is recommended for passage."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELVIRA M. DORMAN.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. RUSSELL, of Connecticut) was the bill (S. 2830) granting an increase of pension to Elvira M. Dorman.

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 Elvira M. Dorman, minor child of James Dorman, late of Company A, First Kansas Cavalry, and pay her at the rate of \$14 per month, in lieu of that which she is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2830) granting an increase of pension to Elvira M. Dorman, submit the following report:

The report of the Senate committee sets forth the facts in this case. The special act under which claimant is now receiving a pension fixed the rate at \$10 per month, the rate to which she would have been entitled under the general law. Since the approval of said act a general law has been enacted granting widows a pension of \$12 per month instead of \$8. Had not the special act referred to fixed the amount at \$10 per month the Pension Office could now allow the claimant the amount asked for in this bill.

Your committee recommend the passage of the bill.

[Senate report No. 1178, Fiftieth Congress, first session.]

James Dorman, the father of Elvira M. Dorman, enlisted in Company A, First Kansas Volunteer Cavalry, May 30, 1861, and was mustered out of the service June 16, 1864. He contracted hernia in the service, and died February 12, 1879, of what was supposed to be valvular disease of the heart.

A pension of \$10 per month was granted to Elvira M. Dorman, the only minor child of the late soldier, by a special act of Congress, taking effect May 9, 1886. The petitioner asks that the pension be increased to \$14 per month, on the ground that the soldier's widow is debarred of pension by reason of her second marriage, and that under existing laws the minor child is entitled to the full pension of \$12 per month, which the widow would have received, and \$2 per month, in addition thereto, for the said minor child.

It seems but just that the minor child of the soldier should be pensioned at the same rate as the minor children of other soldiers of similar rank.

Your committee therefore report a bill, and recommend the passage of the same.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA M. SCANDLIN.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. ANDERSON, of Kansas) was the bill (S. 2779) granting a pension to Eliza M. Scandlin.

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 Eliza M. Scandlin, widow of William G. Scandlin, late a chaplain in the Fifteenth Regiment, Massachusetts Volunteer Militia, at the rate of \$12 a month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2779) granting a pension to Eliza M. Scandlin, submit the following report:

The facts in this case are fully set forth in the report of the Committee on Pensions of the Senate, which is adopted, and the passage of the bill recommended.

[Senate Report No. 1130, Fiftieth Congress, first session.]

This claimant is the widow of Rev. William G. Scandlin, who, after resigning the pastorate of his church, enlisted as chaplain of the Fifteenth Regiment Massachusetts Volunteers. He served faithfully in that capacity for the period of one year, and during that time, by his activity in the battle-fields, earned the title of the "fighting chaplain of the old Fifteenth," which title clung to him throughout his service and afterwards. At the end of the period mentioned he was discharged on account of sickness, but after a few weeks' rest he volunteered his services to the United States Sanitary Commission, which offer was at once accepted, and he was immediately assigned to work at the front.

While in the discharge of such duty he was captured on the 5th of July, 1863, after the battle of Gettysburgh, while caring for the wounded, and was for three months held a prisoner of war, being confined at Libby Prison and Castle Thunder. During this imprisonment, on account of the hardships he was subjected to, and as the result of his ill-health, occasioned by his former service, he contracted diseases from which he suffered all his after life, and which were the primary cause of his death, which occurred at Grafton, Mass., March 17, 1871.

His widow, Eliza M. Scandlin, now asks relief on the above grounds. She is in necessitous circumstances, and, as shown by the following certificate of her physician, has been suffering from paralysis for eleven years past.

Your committee deem this widow an exceptionally worthy object of special legislation, and recommend the passage of the bill reported herewith.

The undersigned, Thomas T. Griggs, having been a practicing physician in Grafton, Mass., more than thirty-six years, hereby certifies that he has been acquainted with Mrs. Scandlin, widow of the late Rev. William G. Scandlin, who was a chaplain in the late war; that he was her physician at the time she was seized with paralysis, in January, 1876, and has been cognizant of her condition up to the present time; that she has continued in a helpless condition, being unable to converse or take care of herself, requiring an attendant for more than eleven years, and that there is no probability that any improvement will ever occur in her case.

GRAFTON, MASS., February 15, 1887.

THOMAS T. GRIGGS, M. D.

GRAFTON, July 26, 1887.

WORCESTER, ss:

Then personally appeared the above-named Thomas T. Griggs and made oath that the above statement, by him subscribed, is true.

ALDEN A. HOWE,
Justice of the Peace.

W. I. SCANDLIN:

DEAR SIR: I am pleased to inform you that I recognize the disease and death of your father, Rev. W. G. Scandlin, to have been occasioned primarily by his ex-

posure while in the line of his duty, and the malarial influences to which he was unavoidably exposed, and that he was a frequent patient of mine during the time existing from the period of his discharge from the service to the period of his death. I shall do all in power to aid in the prosecution of a claim to secure pension for your mother.

Yours, truly,

J. N. BATES, M. D.

WORCESTER, March 9, 1880.

A sketch of the history, plan of organization, and operations of the United States Sanitary Commission, by Lewis H. Steiner, M. D., late chief inspector United States Sanitary Commission, Army of Potomac.

[Pamphlet, 8°, pages 14; page 12.]

[Read before the Maryland Historical Society, February 1, 1866.]

PHILADELPHIA, 1886.

It is pleasant to know that the medical officers of the insurgents at different times declared their grateful feelings for the supplies of the sanitary commission. One communication from them, addressed to the commander-in-chief of the insurgents, may properly be presented here. It was occasioned by the capture by the insurgents of several of the officers of the commission, who were traveling, in July, 1863, under orders from the writer, with supplies for the hospitals on Maryland Heights and for the wounded in the battle which took place between the forces of Lee and Meade.

These officers were seized, their stores destroyed by their captors, and they themselves forced to undergo the horrors of imprisonment in the notorious Libby Prison. Ten medical officers voluntarily prepared the following paper, asking for the instant release of these gentlemen:

"The undersigned, surgeons of the Confederate army, in charge of the several hospitals now within the Union lines at and about Gettysburgh, beg leave to testify to our general-in-chief in favor of the United States Sanitary Commission as a most praiseworthy and charitable institution.

"Through its kind provisions our hospitals are supplied with many comforts which are of inestimable value to our suffering and wounded men.

"While the promptness with which their agents follow on the heels of battle enables them to dispense an immense amount of relief to the unfortunate sick and wounded soldiers on either side, it also necessarily exposes them to any reverse of fortune which may oblige them to ask protection from the successful party.

"Thus, during the late battle at Gettysburgh, four of the agents of the sanitary commission, with their supply wagons, are said to have fallen into our hands, and, as we learn, are detained as prisoners.

"The names of the men are as follows, namely, Dr. Alexander McDonald, Rev. William G. Scandlin, Leonard Brink, Alfred Brengle, and negro boy Moses.

"We respectfully submit that as the above-named men were taken without arms and while in the employ of their charitable offices as almoners of the sanitary commission to the wounded soldiers of either party, they be released from restraint and permitted to return to their work of benevolence and good-will to all.

"Respectfully submitted by yours, etc."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALLEN BLETHEN.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. MORRILL) was the bill (S. 2700) granting increase of pension to Allen Blethen.

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 Allen Blethen, late of Company H, One hundred and twenty-fourth Ohio Volunteers, and pay him at the rate of \$24 per month, in lieu of that which he is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2700) granting an increase of pension to Allen Blethen, submit the following report: The report of the Committee on Pensions of the Senate is herewith adopted and the passage of the bill recommended.

[Senate Report No. 1171, Fiftieth Congress, first session.]

Allen Blethen, late of Company H, One hundred and twenty-fourth Ohio Volunteers, during a four years' service contracted chronic diarrhoea and epileptic form of spasms, which have resulted in nervous prostration and general debility, until the partial disability from which he has suffered since the war has, within the past few years, become total, and he is now physically and mentally incompetent for self-support. The claimant is now in receipt of a pension of \$4 a month on account of chronic diarrhoea, but the greater disability from which he suffers is not recognized.

The committee are satisfied, from a careful examination of all the statements and testimony in the pension records and other evidence outside thereof, that the dread disease which has at last fastened itself upon the claimant is due to a partial sunstroke, or fit of epilepsy, occurring in battle, from which he for the time recovered, but which, in complication with other disorders, has made him a confirmed epileptic. He is the eldest of four brothers, of whom the three who were of proper age entered the service—one to die in hospital, another to suffer from severe wounds, and the eldest degenerating by degrees into epilepsy, to become a charge upon the generous bounty of the fourth, who, fortunately for the claimant, lacked the years and strength to venture into war.

Believing the claimant's disabilities to be fairly chargeable to his army service, the committee report favorably upon the bill and recommend it for passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WILLIAMS. I ask that the order be changed, and that each member present be permitted to call up a bill.

Several MEMBERS. Regular order.

Mr. STRUBLE. I hope that will be done.

The CHAIRMAN. The regular order is demanded.

Mr. WILLIAMS. My reason for making that proposition was that there are many members who come here and sit night after night and yet do not get their bills considered, and others remain at home depending upon the committee to call up their cases. That works injustice to other gentlemen and to some members of the committee who stay here regularly and attend to the business while others are absent.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that the regular order is demanded.

Mr. WILLIAMS. We can have the other way just as well and pass enough pension bills. I can say that I am disinterested in the matter, as I have not a bill on the Calendar.

H. H. RUSSELL.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. FUNSTON) was the bill (S. 2909) granting a pension to H. H. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. H. Russell, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2609) granting a pension to H. H. Russell, submit the following report:

The report of the Senate Committee on Pensions sets forth fully the facts in this case and is hereby adopted, with the recommendation that the bill pass.

[Senate Report No. 986, Fiftieth Congress, first session.]

Hiram H. Russell enlisted in Company E, Seventy-fifth Regiment Ohio Volunteers, November 20, 1861, was promoted to sergeant of his company, and was discharged from the service of the United States August 28, 1862. He subsequently served as assistant surgeon of the One hundred and thirty-eighth Ohio Volunteers from June 11, 1864, to September 1, 1864, and from April 7, 1865, to June 12, 1865, he served as assistant surgeon of the One hundred and first Ohio Volunteers. It appears from the papers in the case that the claimant has made two applications for pension; in the first, filed March 30, 1872, he alleges that he was discharged on the ground that he had the chronic diarrhoea, and that he was wounded by a gunshot wound about June 10, 1862. In his second declaration, filed May 14, 1877, he claims pension "for disease of bladder, from exposure in West Virginia, in March, 1862."

The Commissioner of Pensions, June 30, 1884, rejected the claim, after a thorough special examination, on the ground "that the disease of bladder for which pension is claimed existed prior to enlistment."

The certificate of disability on which the soldier was discharged is as follows:

"I certify that I have carefully examined the said Hiram H. Russell, of Captain James D. Foster's company, and find him incapable of performing the duties of a soldier because of chronic inflammation of the bladder of two years' standing. I further declare my belief that said soldier will not again be able to resume his duties.

"S. LOVING, Surgeon."

"Discharged this 28th day of August, 1862, at Columbus, Ohio.

"A. B. DOD,

"Captain Fifteenth U. S. Infantry, Commanding the Post."

In support of his claim the claimant has produced the following testimony: Dr. Charles L. Wilson, assistant surgeon, testifies to prior soundness. Claimant was a student in his office prior to enlistment, and affiant was his father's family physician.

Capt. J. D. Foster swears that claimant, in the spring of 1862, contracted disease of bladder, so as to disable him from duty for some time.

Dr. McFarland testifies to treating claimant since 1867 for disease of bladder. The claimant (who by the way is a regular practicing physician) swears to treating himself until 1867.

Cyrus Russell testifies to claimant's returning home from the Army sick.

William G. Russell swears that in June, 1862, claimant was sent home on furlough to enable him to recover from cystitis, contracted by him while in the service; that he was treated by Dr. Day while at home, but failed to recover and was finally discharged.

Surg. Charles L. Wilson swears that in West Virginia in 1862, early part, claimant, after severe exposure and marching, suffered from deranged digestive organs, and also had chronic inflammation of the bladder.

The examining surgeon at Centralia, Ill., rates him at one-fourth total, and the examining surgeon at Kansas City, Mo., under date of May 11, 1881, makes same rating. The Pension Office concluded to have the case specially examined, and Mr. A. Downing, special examiner, concludes his report as follows:

"From a careful consideration of the evidence on file, I am of the opinion that the claim is a meritorious one, the evidence of prior soundness being apparently good, if not conclusive."

John A. Carr, special examiner, expresses the opinion—

"That the testimony taken is favorable to the claimant, but is not sufficient to overcome the adverse record. In the present incomplete condition of the claim, and the absence of any positive testimony to show that claimant was free from alleged disease of bladder at the time he enlisted, it is fair to presume the record is correct, and recommends further examination."

J. F. Vinal, special examiner, recommends further examination.

A. F. Roush, special examiner, is of the opinion that the claim is without merit, but advises, in all justice to the claimant, further examination.

Thomas F. Winthrop, special examiner, says the claim, in his opinion, is "without merit, the testimony fairly showing that claimant's disability is not due to the service, as alleged," and recommends further examination.

H. C. Laforce, special examiner, thinks the claim meritorious, and recommends further examination.

E. F. Johnson, special examiner, concludes his report by saying:

"I believe the claimant was sound prior to enlistment; that the disability specified was contracted in service and line of duty, and when the evidence is completed the claim should be admitted."

Your committee incline to the belief that the claimant was a sound man at date of enlistment, and that he contracted the disability in the service and line of duty as alleged, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHAN B. RARICK.

The next pension business on the Private Calendar (called up for consideration by Mr. PERKINS) was the bill (S. 2578) granting a pension to Nathan D. Rarick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathan B. Rarick, late a private of Company F, Thirty-ninth Regiment Illinois Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2578) granting a pension to Nathan B. Rarick, submit the following report:

The report of the Committee on Pensions of the Senate is hereby submitted, setting forth the facts in this case, and the passage of the bill is recommended.

SENATE REPORT.

Nathan B. Rarick, the claimant under this bill, enlisted August 21, 1861, and was discharged August 5, 1863. He was a private in Company F, Thirty-ninth Regiment Illinois Volunteers. On January 20, 1864, he made application for pension, alleging in his declaration that, "at Folly Island, South Carolina, April 15, 1863, he contracted a fever, which resulted in spinal irritation." The claim was rejected April 5, 1882, on the ground "that the alleged disability is not traceable to his military service and his declared inability to furnish better proof." The claimant subsequently filed an affidavit (March 8, 1882), in which he states that "his disability was not developed so as to be recognized in service."

The War Department reports "no record" of the alleged disability. It appears from an examination of the papers that the claimant was discharged from the service, on a surgeon's certificate of disability, "because of general debility, overage, and periodical attacks of diarrhoea."

The testimony showing prior soundness is as follows:

R. L. Whitney "worked with him before service; was then and had been throughout acquaintance with him strong and robust."

T. R. Heald swears he was "specially free from spinal irritation."

Orrin L. Mann swears "claimant was able-bodied and in good health."

Capt. Amasa Kennicott swears "that in the service claimant was always able for duty between August, 1861, and August, 1862," which is corroborated also by Lieutenant Mann, who swears "he was discharged for disability."

After his discharge, R. L. Whitney swears that he came home feeble and disqualified for manual labor. When first met after discharge claimant was under medical treatment. The physician (now dead) told affiant that claimant's death was caused by overexertion and exposure.

T. R. Heald swears to an intimate acquaintance with claimant from discharge to October 31, 1881, and has "personal knowledge that he was suffering with some spinal affection at date of return from service and has been ever since."

The claimant swears that all the physicians who treated him for his disability are dead except Dr. Goucher, who is now mentally incapacitated as well as physically, and therefore unable to testify; that his disability was only developed as spinal disease after discharge, and that his neighbors know nothing of his case only as he has told them.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. STOKES.

Mr. HOUK. I want this House to hear me for half a minute.

Several MEMBERS. Regular order.

Mr. HOUK. I want to call up a bill for the benefit of an old ex-member of this body, a man who was here for ten years. He was a colonel in the Federal Army, and he is now lying at the point of death in poverty and distress. I mean Col. William B. Stokes, of Tennessee. I ask unanimous consent that this bill be taken up and passed at this time. It will not be reached on the Calendar, and as the old man is in poor circumstances and on the verge of the grave, I hope no objection will be made.

HENRY CROTSLEY.

Mr. LANE. I call up House bill 8617, granting a pension to Henry Crotsley, which has been heretofore passed over.

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 upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Henry Crotsley, late private of Company H, Fifteenth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8617) granting a pension to Henry Crotsley, have had the same under consideration, and beg leave to submit the following report:

Henry Crotsley served as private of Company H, Fifteenth Regiment New Jersey Volunteers, from August 7, 1862, to June 23, 1865. He alleges that he contracted rheumatism in the service, but his claim has been rejected because the evidence is not deemed sufficient by the Pension Office to connect the disability with the service.

By medical and other evidence it is clearly shown that claimant was free from rheumatism at the date of his enlistment. At the time of the incurrence of the disability, during General Burnside's famous "mud march," the soldier was on detached duty as brigade teamster, and continued on this duty nearly his entire term of service. For this reason it is difficult for him to obtain the evidence required by the Pension Office. He states that he was treated at intervals by Surgeons Sharp and Bolbey, but they being dead he can not procure evidence of such treatment.

It is also shown by competent testimony that claimant suffered from rheumatism at discharge. Medical examinations show disease of heart, which the examining surgeons say is due to rheumatic diathesis.

The writer of this report is personally acquainted with the beneficiary named in the bill, as well as the witnesses in his behalf, and from his knowledge of the parties and of the disabled condition of claimant, he has every reason to believe that the same is due to the exposure incident to nearly three years' active field service.

The committee therefore report favorably on the accompanying bill, and ask 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.

ANDREW MUCKLIN.

The next business on the Private Calendar (called up for consideration by Mr. PIDCOCK) was the bill (H. R. 5232) granting a pension to Andrew Mucklin.

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 law, the name of Andrew Mucklin, late of Battery C, Fifth Regiment United States Artillery.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5232) granting a pension to Andrew Mucklin, have had the same under consideration, and beg leave to submit the following report:

Mucklin served as a private in Company C, Fifth United States Artillery, from January 22, 1862, to January 22, 1865. He alleges that in action at Bull Run, August 30, 1862, he was wounded in right leg and abdomen. The claim has been rejected because the evidence is not deemed sufficient to show incurrence of wound of leg in service, and medical examination fails to show any disability from wound of abdomen.

The record of the War Department shows that soldier was under treatment for gunshot wound shortly after the aforesaid battle, and remained under treatment for three months. He was subsequently treated for disability, and still later for rheumatism. The record, however, does not locate the wound for which treated.

The claim has been specially examined, and while it is true that the few available comrades are not positive as to the nature of the wound received, they seem to recollect of an injury of that character in the service, but differ as to the location of the same.

Joseph Hunsburger, shown by the special examiner to be a credible witness, testifies that while in Washington in the winter of 1863, looking after his son, he found claimant at a Georgetown hospital, who was then walking lame and showed afflict the wound of leg.

Robert J. Reimen likewise testifies to having seen the soldier in Mount Pleasant Hospital about December, 1862, and that he was then suffering from a wound.

It is further shown that for three years or more after discharge claimant was treated for the wound by Dr. Klinefelter, now deceased, and that he was compelled to walk with a cane.

Medical examinations show gunshot wound of right leg, middle third, entrance just outside of tibia, course backward, and lodged near posterior of tibia; small splinter of tibia removed, tenderness and slight atrophy of muscles.

Upon a careful examination of all the evidence, your committee are of opinion that evidence furnished, taken in connection with the record of the War Department and the finding of the examination by the surgeons of the Pension Bureau, shows beyond any reasonable doubt that claimant was wounded in the leg as alleged, and that he has been and is now disabled therefrom, notwithstanding the negative character of some of the testimony taken by the special examiner, and therefore report favorably on the accompanying bill, and ask 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.

JOHN LEARY.

The next business on the Private Calendar (called up for consideration by Mr. MORRILL) was the bill (S. 1076) granting a pension to the widow of John Leary.

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 the widow of John Leary, late a first sergeant in Battery F, Third Artillery, United States Army, in the war of the rebellion, and pay her at the rate of \$20 per month from and after the passage of this act.

The report (by Mr. HUNTER) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1076) granting a pension to the widow of John Leary, deceased, have had the same under consideration and adopt as its own the Senate favorable report hereto attached:

"That the claimant, Hanna Leo, widow of John Leary before her second marriage, was, at the time of the death of her first husband, the wife of John Leary, deceased, late a private or sergeant, rated as "in general service of the United States Army."

"The said John Leary enlisted on the 26th day of July, 1854, and was discharged July 26, 1859, by expiry of term of service. He re-enlisted August 26, 1859, and was assigned to Battery F, Third Artillery; served in the war of the rebellion; was slightly wounded at battle of Malvern Hill, July 1, 1862; was discharged for disability March 25, 1863, at Baltimore, Md. He again enlisted in the general service in the Adjutant-General's Office in Washington, April 7, 1863, whence he was discharged April 1, 1864. He was in the service in all about ten years.

"The soldier died on December 8, 1872. He left surviving him the claimant, as widow, and four children. All of these except one are now over pensionable age. Their claim for pension was rejected. The widow afterward married a man by the name of Leo, who has since died, leaving her for the second time a widow. Neither husband was a man of any means. She now claims a pension for the service and death of her first husband. Leary the soldier, died in Washington, December 8, 1872, of pneumonia, as it is certified.

"We find that during his military service he was treated for rheumatism, for incised wound, for diarrhea, for ambustio, for chronic articular rheumatism. Medical and other testimony shows that at the time of his discharge and afterward he was suffering from lung troubles, appeared consumptive, was treated for the same, and we think it most probable that he died from the effects and results of disease incurred while in the service.

"The widow is now over forty years old, very poor, dependent upon her daily labor for support.

"We 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.

LUCY A. JORDAN.

The next pension business on the Private Calendar (called up for consideration by Mr. MORRILL) was the bill (H. R. 9463) granting a pension to Lucy A. Jordan.

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 Lucy A. Jordan, widow of James W. Jordan, late of Company C, Fourth New Hampshire Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9463) granting a pension to Lucy A. Jordan, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill was married to James W. Jordan, late private of Company C, Fifth Regiment New Hampshire Volunteers, February 18, 1866. Jordan died of phthisis pulmonalis June 30, 1887, being at that date a pensioner for said disease at the rate of \$16 per month.

It appears that after his death it came to the knowledge of the widow that the soldier was previously married, in April, 1863; that he lived with his former wife for about three months, when she deserted him and again married. As the claimant can not prove that the soldier obtained a divorce from the first wife before her marriage with him she has no legal status before the Pension Bureau.

She innocently entered into marriage relation with the soldier, lived with him, performing her wifely duties and believing herself to be his legal wife for over twenty-one years, becoming in the mean time the mother of four children by him, the youngest yet under eleven years of age; and inasmuch as she is not entitled to pension under the general law, and Congress has in similar cases granted relief to this unfortunate class of claimants, your committee are of opinion that like relief should be extended to this claimant, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out the word "fourth," in line 6, and insert therein instead the word "fifth."

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HELEN B. BROWN.

The next pension business on the Private Calendar (called up for consideration by Mr. DINGLEY) was the bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Mrs. Helen B. Brown, widow of George H. Brown, deceased, late a private of Company B, First Maine Cavalry Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown, having considered the same, report as follows:

Claimant is the widow of George H. Brown, late a private in Company B, First Maine Cavalry Volunteers. Soldier enlisted December 29, 1863, and was discharged for disability May 26, 1865. During his army service he suffered from an alleged injury to the back from a fall from his horse, causing kidney and heart trouble, and was also severely wounded at the battle of Spottsylvania, for which he was pensioned. The papers on file show that soldier was never strong after discharge from the Army, and that he died January 10, 1887. The widow filed a claim for pension, which was finally submitted for special examination at Augusta, Me.

The testimony taken by the special examiner was all favorable to the claimant, except that of the surgeons of the general hospital of Portland, Me. It appears that in July, 1886, soldier received a severe injury, for which he was treated at said hospital in November of that year. The surgeons who attended him at the hospital give it as their opinion that soldier died from heart failure, due to said injury. That soldier did receive this injury is undoubted, but that it was the real cause of his death is a matter of extreme doubt. In illustration of this may be cited the fact that the special examiner calls attention to the circumstance that soldier, prior to this injury, was so ill with diseases contracted in the Army that his life was despaired of, and that he was a constant sufferer from said diseases. After a thorough and conscientious investigation of the case, the examiner made a full report, and after calling attention to the fact that the hospital surgeons simply looked upon the case as one of injury without apparently considering the diseases and complications existing prior thereto, closes in these words:

"In equity, if not in law, I think the widow has a just claim. * * * Soldier was a man of exemplary habits, which may in part account for him surprising the local physicians by rallying almost from death's door before he received the accident which was the final complication in his disabilities. * * * I believe the claim is meritorious. I respectfully recommend further examination of Dr. Galen J. Tribon, of Washington, Me., now temporarily in New York City."

The examination of Dr. Tribon was attended to, and in due time the examiner further reported as follows:

"Dr. Tribon's testimony simply corroborates that of Dr. A. A. Jackson and others as to soldier being a sufferer from hemorrhoids and disease of the kidney and heart prior to the time that he received an injury (July 20, 1886), and therefore does not affect the status of the case, and my opinion remains unaltered, namely, that in equity the claim of the widow should be admitted."

Notwithstanding the opinion of the medical examiner, the claim was rejected on technical medical grounds; but your committee, agreeing with the special examiner, that the equities are in favor of the claimant, who is an invalid widow of a good soldier, report the bill back favorably and 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.

PATRICK FRAWLEY.

Mr. CARUTH. On page 68 of the Calendar there is a bill that has been passed over which I desire to call up. It is the bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley.

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 upon the pension-roll the names of the widow and minor children of Patrick Frawley, late a private in Company C, Tenth Regiment Ohio Volunteers, subject to the limitations and restrictions of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley, have had the same under consideration, and adopt the Senate favorable report as their own, and which report is as follows:

"That the claimants are the widow and children of Patrick Frawley, deceased, late a private in Company C, Tenth Regiment Ohio Volunteer Infantry, in the war of 1861.

"The soldier enlisted September 23, 1863, and served until February 11, 1864, when he was discharged upon account of disability incurred by a wound by gunshot in left arm, received at the battle of Perryville. He died at his home, in Cincinnati, March 26, 1883, of pulmonary consumption. The Pension Bureau rejected the claim of the widow for the reason that his disease and death were not traceable to his military service.

"The soldier was a pensioner at the time of his death, at the rate of \$10 per month, upon account of his said wound. His personal acquaintances testify that up to and at the time of his enlistment he was a stout, hardy, robust man; that at the time of his return from the service he was suffering from his wound, and soon after from a hacking cough, which was induced by waste of the sys-

tem from the wound, which never healed—remained a running sore until his death; that he could not work at his trade, that of a glass-blower, being weak, and unable to do anything but very light work.

"The medical testimony is to the same effect, and his condition grew worse until he died. The physician in his last illness testifies that his wound was still discharging pus; that the cough and consumption of his latter life were due to the incurable condition of the wound, the virus of which had permeated the whole system.

"The widow is in very necessitous circumstances, without means or expectation of any; and, believing that the wound was certainly the cause of the subsequent disease and death of the soldier, your committee 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.

LYDIA HAWKINS.

Mr. CARUTH. I desire to call up also the next bill on the Calendar, heretofore passed over, the bill (S. 2655) granting a pension to Lydia Hawkins.

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 Lydia Hawkins, widow of Richard Hawkins, late private in Company D, Fifty-seventh Regiment of Ohio Volunteers.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2655) granting a pension to Lydia Hawkins, have had the same under consideration, and adopt the Senate favorable report as follows:

"The claimant is the widow of Richard Hawkins, deceased, late a corporal in Company D, Fifty-seventh Regiment of Ohio Volunteer Infantry, in the war of 1861.

"The soldier enlisted December 1, 1861, and served until July 29, 1863, when he was discharged as not fit for service, and unable for duty even upon the Invalid Corps. He died at his home in Cincinnati, August 20, 1866.

"The claim was rejected by the Pension Bureau upon the ground that his mortal illness was not due to his military service. The testimony of his neighbors is that he was a sound, healthy man before and at the time of his enlistment.

"The testimony of Lieutenant Banks and others, his comrades, shows that in April, 1862, he was attacked with what afterwards proved to be chronic diarrhea; that he was sent to the hospital for treatment thereof; that although he returned to duty, he never recovered; that he at last grew worse, and being always unwell, was discharged for disability.

"His neighbors testify that upon his return he was in bad health, taking medicine all the time, unable to work, thin and emaciated; was suffering from something like flux or disease of the bowels. Dr. Green, the physician in his last illness, swears that from 1865—July of that year—he treated him once every four or six weeks, until he died, for chronic diarrhea; that he died of Asiatic cholera, superinduced by the diarrhea, from which he had suffered a 'long time previous to his death.'

"Your committee think the disease incurred in the service was the cause of the soldier's death, and therefore 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.

MRS. CATHARINE REED.

The next pension business on the Private Calendar (called up for consideration by Mr. WICKHAM) was the bill (H. R. 7717) granting a pension to Mrs. Catharine Reed.

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 Mrs. Catharine Reed, widow of Eben P. S. Reed, late of Company D, One hundred and second Regiment of Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 7717, beg leave to submit the following report:

Mrs. Catharine Reed is the widow of Eben P. S. Reed, late a private in Company D, of the One hundred and second Regiment Ohio Volunteer Infantry. He was pensioned on or about August 18, 1879, at one-half (\$4) per month for left inguinal hernia, and at one-quarter (\$2) per month for lung disease from December 17, 1862, to March 23, 1878, and thereafter at one-half (\$4), or aggregating \$8 total.

On the 23d of November, 1880, the soldier received an injury from a piece of board thrown from a circular saw running in a factory where he was employed, causing a flesh wound some 4 inches in length in the right groin, of which he died on the afternoon of the 25th of the same month.

The widow applied for a pension on the 7th day of February following, alleging that her husband died from the vitiated and weakened condition of his physical system, the result of his army exposure and lung disease. Her claim was rejected November 15, 1881, on the ground that the immediate death cause—the injury caused by a board thrown from a buzz saw—did not originate in the service, nor was it a *sequela* of his pensionable disabilities. On appeal the case was referred to a medical examiner, who made the following recommendation:

"The evidence in this case shows that soldier while working in a saw-mill received a wound in the right groin. Erysipelas appeared in the wound, and two days later the soldier died. While the chance of recovery might have been better had claimant been in perfect health when injury was received, the wound must be considered at least an important factor in death cause, and it is not thought that the office would be warranted in accepting death as the result of disabilities for which pensioned."

To which the medical referee added the following opinion:

"Death cause due to the injury and results thereof; not to pensioned disabilities."

Dr. George Mitchell, in an affidavit dated February 3, 1881, says:

"I was assistant surgeon of the One hundred and second Regiment Ohio Volunteer Infantry and knew Eben P. S. Reed, a private of Company D, of said regiment, who was ruptured while in line of duty, and afterward was taken sick with pneumonia and a low form of fever, and that he was discharged the service on account of disability. I was mustered out of service with the regiment in July, 1865, and since then have been his medical adviser the major part of the time; and I declare further that to the best of my knowledge and belief he has never fully and perfectly recovered from the effects of the sickness he had in the Army, and that his system has been vitiated and weakened by the

same to such an extent that he was unable to withstand the effect of a severe injury or disease, as another person would who had a healthy system.

"I also declare that on the 23d of November, 1880, the said Eben P. S. Reed was struck in the right groin by a small board that was thrown from a buzz-saw, making a flesh wound of some 4 inches, and soon after was dressed by Dr. A. V. Patterson, who, so far as the wound was concerned, expected a speedy recovery, not considering the wound one of a serious nature. I saw him on the 24th about twenty-four hours after the reception of the wound, and erysipelas had then developed. I visited him again on the 25th with Dr. Patterson, and despite all exertions we could make he sank rapidly and died that afternoon. The vitiated and weakened condition of his physical system, the result of army exposure and disease, in my judgment, invited the erysipelous inflammation which he was unable to endure."

Dr. A. V. Patterson, in an affidavit filed on the 4th day of February, 1881, says:

"On the afternoon of November 23, 1880, I was requested to visit the said Eben P. S. Reed, in consequence of an injury he had sustained from a board thrown from a circular saw running in the works of the Mansfield Lumber and Building Company, at which he was employed. I found a cut through the integument of about 3 inches in length, in the right groin. No considerable contusion beneath was apparent; no shock. Seemed cheerful, though suffering some pain. I approximated the lips of the wound with a few interrupted sutures, and sent him home. His family physician, Dr. George Mitchell, saw him on the next day.

"I saw him again on the 25th. An erysipelous condition had rapidly developed. He died in a few hours after, on the afternoon of the 25th of November, 1880. I examined his lungs at this last visit, and found them fast filling up. I have no doubt the disabilities incurred during his service in the United States Volunteer Army, and for which he was pensioned, rendered him an easy victim to the injury which was the immediate cause of his death."

"It will be observed that while the medical examiner says that 'it is not thought that the office would be warranted in accepting death as a result of disabilities for which pensioned,' he substantially admits that 'the chance for recovery might have been better had soldier been in perfect health when injury was received.' It will be noticed, also, that he only claims that the wound contributed to the death, and not that it was the sole cause of the death. This appears in the use by him of the following language:

"The wound must be considered at least an important factor in death cause."

"He seems to proceed upon the theory that if the disability for which the soldier was pensioned only contributed to the death, and was not the sole cause of it, the pension ought not to be granted. This may be a safe rule for the Pension Office to adopt, but it does not seem to us to be the one that Congress should act upon. It seems to your committee that if the disability incurred in the service contributed materially to the death, it should be considered as the cause of the death, so far at least as the granting of pensions is concerned. A very apt illustration of this principle is found in the common law rule that a person contributing directly by his negligence to an injury to another is liable severally to that other, notwithstanding the contribution to the injury by some other person or some other cause.

Not only does the medical examiner substantially admit that the pensioned disability contributed or might have contributed to the fatal result; but it will be observed that the two doctors who knew the soldier and his physical condition before he received the wound, and who were in attendance upon him, substantially, all the time from his receiving the wound to his death, concur in the opinion that the soldier's system has been 'vitiated and weakened' by the sickness he had in the Army "to such an extent that he was unable to withstand the effect of a severe injury or disease, as another person would who had a healthy system," and that "the vitiated and weakened condition of his physical system, the result of army exposure and disease, invited the erysipelous inflammation which he was unable to endure."

There is no claim by the examiner nor by the referee that the pensioned disability could not have resulted pathologically in such "vitiated and weakened condition."

In the light of the evidence in this case, your committee are clearly of the opinion that a pension should be granted to this widow, who is very poor and needy, and they do 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.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WASHINGTON. I move that the committee rise and report to the House the bills acted on this evening.

The motion was agreed to; there being—ayes 17, noes 8.

The committee accordingly rose; and Mr. ANDERSON, of Illinois, having resumed the chair as Speaker *pro tempore*, Mr. DOKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, 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. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy;

A bill (H. R. 6848) for the relief of Elizabeth A. South;

A bill (H. R. 3710) granting a pension to Samuel Piercy;

A bill (H. R. 9399) granting a pension to Albert O. Robb;

A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;

A bill (H. R. 8617) granting a pension to Henry Crottsley;

A bill (H. R. 5232) granting a pension to Andrew Mucklin;

A bill (H. R. 9697) granting a pension to Mrs. Ellen B. Brown; and

A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments concurred in, the bills as amended 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. 9704) granting a pension to Martha F. Lee;

A bill (H. R. 9792) to increase the pension of Charles S. Baker;

A bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Salina County, Michigan;

A bill (H. R. 775) granting an increase of pension to John D. Jones;

A bill (H. R. 9463) granting a pension to Lucy A. Jordan;

A bill (H. R. 9795) granting a pension to Nathaniel Francis (title amended so as to read: "A bill to restore Nathaniel Francis to the pension-roll;") and

A bill (H. R. 333) granting a pension to Catharine Busey (title amended by striking out "Busey" and inserting "Bussey.")

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 2449) granting a pension to James W. Bowman;

A bill (S. 2124) granting a pension to John Bush;

A bill (S. 1762) granting a pension to Benjamin A. Burtram;

A bill (S. 2448) granting a pension to Catharine McQuade;

A bill (S. 2520) granting a pension to James White;

A bill (S. 2653) granting a pension to Mary Curtin;

A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;

A bill (S. 2313) granting a pension to Ellen J. Snedaker;

A bill (S. 1575) granting an increase of pension to William Wallace Young;

A bill (S. 2413) granting an increase of pension to Ernst Hein;

A bill (S. 2571) granting a pension to Edwin E. Chase;

A bill (S. 2366) granting a pension to Mrs. Emeline Anderson;

A bill (S. 2830) granting an increase of pension to Elvira M. Dorman;

A bill (S. 2779) granting a pension to Eliza M. Scandlin;

A bill (S. 2700) granting an increase of pension to Allen Glethen;

A bill (S. 2609) granting a pension to H. H. Russell;

A bill (S. 2578) granting a pension to Nathan B. Rarick;

A bill (S. 1076) granting a pension to the widow of John Leary, deceased;

A bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley; and

A bill (S. 2655) granting a pension to Lydia Hawkins.

Mr. MATSON moved to reconsider the several votes by which the bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

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

The question was put to the House.

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. MATSON. I ask for a division.

The House divided; and there were—ayes 5, noes 24.

So the House refused to adjourn.

Mr. LAWLER. I desire to make a proposition.

Mr. MATSON. I demand the regular order.

Mr. CHEADLE. I rise to ask, by unanimous consent, that members present who have not had bills considered to-night shall have the privilege, by unanimous consent, each one of calling up a bill for consideration.

Mr. MATSON. I demand the regular order.

The SPEAKER *pro tempore*. The demand for the regular order cuts off all requests for unanimous consent.

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

Mr. WASHINGTON. I move, by unanimous consent, that the House discharge the Committee of the Whole from the further consideration of the bill—

Mr. MATSON. I demand the regular order of business, which cuts off all requests for unanimous consent. I insist upon my motion that the House resolve itself into committee for further consideration of the special order.

Mr. LAWLER. I demand a division on that motion.

The House divided; and there were—ayes 22, noes 4.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. DOCKERY in the chair.

The Clerk proceeded to call the Calendar.

Mr. WASHINGTON. A number of gentlemen have come here night after night to assist others in getting through pension bills, but so far have had themselves no recognition whatever. In behalf of these gentlemen I ask they be allowed the courtesy of recognition by unanimous consent.

Mr. MATSON. I demand the regular order of business.

ALMERON J. PATCHIN.

The next business on the Private Calendar (the consideration of which was requested by Mr. PERKINS) was the bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Almeron J. Patchin,

late of Company E, Twentieth Regiment Ohio Infantry Volunteers, and to pay him a pension of \$50 per month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin, submit the following report:

This soldier is now receiving a pension of \$30 per month for gunshot wound in right arm, received July 27, 1864, in front of Atlanta. The wound was a severe one, and necessitated the resection of 3½ inches of the humerus, rendering the arm and hand useless.

Dr. N. S. Newlan, in describing the wound in a recent affidavit, says:

"There is and has been no bone found in the humerus where the ball passed through. The upper end of the lower fragment of humerus is rough and cutting, at times coming through to the surface, causing chills and epilepsy and a loss of mind partially, and rendering an attendant constantly necessary to prevent injury to himself in the fits."

The act of August, 1886, while it increases the pension for loss of arm at shoulder-joint, made no provision for equivalent disability, and the Pension Office can therefore afford no relief unless it can be shown that the epilepsy is the result of the wound, and that the regular aid and attendance of another is required. It is evident that the results of the wound are equal if not worse than a healthy amputation at the shoulder would be.

Your committee therefore recommend the passage of the bill with an amendment striking out "fifty," in line 7, and inserting "forty-five."

Mr. WASHINGTON. I object to the passage of that bill. This man can apply under the general law at the Pension Office.

Mr. PERKINS. No, the gentleman is mistaken; he can not.

Mr. MORRILL. It is a peculiar case and one which often arises, as members of the committee well know, where the injury is worse than amputation at the elbow-joint. The wound necessitated the resection of 3½ inches of the humerus, rendering the arm and hand useless. He does not come under the general law. The old law made provision for equivalent disability, but the act of August, 1886, unfortunately does not. He therefore can not apply to the Pension Office, but is compelled to come to Congress.

Mr. WASHINGTON. I withdraw my objection.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. LAWLER moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ANDERSON, of Illinois, having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had under consideration the Private Calendar under the special order, and particularly the bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin, and had directed him to report the same back to the House with an amendment, and with the recommendation that the bill as amended be passed.

The bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin was taken up, the amendment of the Committee of the Whole agreed to, and 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. PERKINS 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.

The hour of 10.30 o'clock p. m. having arrived, in accordance with the previous order, the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rules private bills of the following titles were introduced and referred as indicated below:

By Mr. CHIPMAN: A joint resolution (H. Res. 207) authorizing the Secretary of War to cause a report to be made of the practicability and necessity of a winter bridge across the Detroit River—to the Committee on Commerce.

By Mr. J. A. ANDERSON: A bill (H. R. 11008) granting a pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11009) granting a pension to James Calnon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11010) to restore to the pension-roll the name of Almon R. Blodgett—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 11011) for the relief of Samuel S. Haynes—to the Committee on Claims.

By Mr. CHEADLE: A bill (H. R. 11012) granting a pension to William A. Dennis—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 11013) for the relief of Sarah E. Bodle, widow of Charles W. Bodle, deceased—to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 11014) granting a pension to Jesse Lovell—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 11015) granting a pension to Mathew Edmondson—to the Committee on Pensions.

Also, a bill (H. R. 11016) granting a pension to Louisa Neal—to the Committee on Invalid Pensions.

By Mr. McCULLOGH: A bill (H. R. 11017) granting a pension to John Adams.

By Mr. NELSON: A bill (H. R. 11018) for the relief of L. H. Berg—to the Committee on War Claims.

By Mr. POST: A bill (H. R. 11019) granting a pension to Bridget Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11020) granting a pension to Amos Baccus—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: A bill (H. R. 11021) to increase the pension of Charles Hahneman—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 11022) granting a pension to Benjamin F. Bevier—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11023) authorizing the Secretary of War to place the name of John H. Young on the roll of Company C, Eighteenth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. YODER: A bill (H. R. 11024) to place the name of Mary B. Mider, widow of Michael Mider, on the pension-roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. ADAMS: Petition of business men of Washington, D. C., for printing 10,000 copies of the argument of John Pope Hodnett—to the Committee on Printing.

By Mr. J. M. ALLEN: Petition of P. N. Shields, of Matilda Reid, and of Mrs. M. L. Kennon and Joby Bonsall, heirs of John H. Joby, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BRYCE: Petition of John Reeson for relief—to the Committee on Claims.

By Mr. BURNES: Memorial of Messrs. Austin, Darby, and others, of St. Joseph, Mo., regarding duties upon certain imported commodities—to the Committee on Ways and Means.

By Mr. CARUTH: Papers to accompany bill No. 10688, to pension John K. Ferguson—to the Committee on Pensions.

By Mr. DE LANO: Petition of James W. Glover, of Oxford, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Hon. W. D. Leiper and 40 others, citizens of Hot Springs County, Arkansas, and of Thomas B. Green and others, citizens of Ouachita, Ark., for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. ROCKWELL: Petition of Charles Hahneman, Company C, Forty-first New York Volunteers, for increase of pension—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of executor of Martha W. Dunbar, of Adams County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. M. ALLEN: Of citizens of Dry Run, Miss.

SENATE.

SATURDAY, July 28, 1888.

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

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa. I have had placed in my hand for presentation to the Senate by the secretary of the Pennsylvania Auxiliary of the American Peace Society, a memorial praying for such legislation as will lead to the establishment of a system of arbitration, especially between this country and Great Britain, for the settlement of all disputes without a resort to war.

We have heard so much of late about the propriety of practicing the old maxim, "in peace prepare for war," that this seems a fitting statement of a different practice, in peace prepare for its perpetuation.

The case is so well stated and the signers are of such a character that I desire to have the memorial with the names printed in the RECORD. It is signed by a committee of five appointed by the governor of Pennsylvania, a committee representing the Pennsylvania Auxiliary of the American Peace Society, by three ex-governors of the State of Pennsylvania, and numerous other citizens prominent in the business affairs of the country.

I ask that the memorial may be printed in the RECORD and referred to the Committee on Foreign Relations.

Mr. HOAR. May I inquire what the purport of the memorial is?

Mr. WILSON, of Iowa. It is in favor of establishing a system of arbitration between the United States and Great Britain for the settlement of disputes.

The PRESIDENT *pro tempore*. Does the Senator desire to have the names also printed in the RECORD?

Mr. WILSON, of Iowa. The names also.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so ordered.

The memorial was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States:

The undersigned citizens of Pennsylvania have been appointed, five of them by the governor of the State and five by the Pennsylvania Branch of the American Peace Society, for the purpose of endeavoring to further the adoption by the United States Government of the proposition emanating from over one-third of the members of the British House of Commons, for the permanent abandonment of war as a means of settling differences between the two countries.

We need not recount the arguments which have already been addressed to you from different quarters in favor of this measure; nor the evidences, derived from scores of successful experiments, and covering half a century, that war can be prevented by arbitration, whenever a nation is just in its intentions.

In more than half of these cases the United States has been one of the parties and has set a noble example to the rest of the world, which is more and more appreciated and followed as the years pass by. It is eminently fitting that this industrial, commercial, and professedly Christian country should be the pioneer in this movement, so becoming the nineteenth century and so consonant with the teachings of the Prince of Peace; and in our opinion it is more appropriate that she should take the initiative in the present forward step in favor of a permanent treaty of arbitration than that any other nation should.

It has been urged by way of objection that there is no necessity for this between the United States and the United Kingdom. But two disastrous wars have occurred between those nations since the middle of the last century, and there have been at least two narrow escapes from war between them within the last quarter of a century. It is also significant that these were both averted by arbitration.

The fact, however, that there is less likelihood of war between them than between other nations affords the very reason why the present attempt can be made with reasonable hope of success.

It would be most ungracious, and would present the appearance of unfriendliness on the part of this country, if a proposition so commendable on general grounds, advocated by so considerable a portion of the British Parliament, a number of whom crossed the ocean as a deputation for the express purpose of presenting it, should be treated with the discourtesy, either of silence or rejection, by a nation between whom and their own exist the strongest ties of kinship and commerce.

We can not conceive that any sane man would prefer war, with all its train of losses, woes, and death, and its unspeakable demoralizations, to a pacific solution of any difficulty that may arise, which would allow the happiness of a great people to remain uninterrupted, the course of commerce to flow on in its accustomed channels, and wealth and population to increase, unchecked by wanton waste and destruction.

For these reasons, fortified by the experience of the past and enforced by our hopes of the future prosperity of this country, we cordially support the proposition of the British deputation and entreat Congress to pass a joint resolution instructing our Government to negotiate with the Government of Great Britain a treaty providing for the settling by arbitration of all differences whatever between the two countries which fail to reach a satisfactory solution through the ordinary channels of diplomacy, to the end that all disastrous effusion of blood by war between these kindred nations shall hereafter forever be avoided.

Joshua L. Bailey, Robt. E. Pattison, Jno. Wanamaker, Chas. H. Banes, David Scull, committee appointed by the governor of Pennsylvania; Philip C. Garrett, George Dana Boardman, Richard Wood, T. P. Stevenson, W. F. Sadler, per order committee appointed by the Pennsylvania Auxiliary of the American Peace Society. I am in sympathy with the movement above referred to; James A. Beaver. We cordially unite in the foregoing petition: Jas. Pollock, J. F. Hartman, Henry M. Hoyt, ex-governors of Pennsylvania; Edwin H. Filler, mayor of Philadelphia; Daniel M. Fox, W. S. Stokley, Samuel G. King, ex-mayors of Philadelphia; John Cadwalader, collector of the port; Louis Wagner, director public works; Robert P. Debert, city controller; Henry Clay, receiver of taxes; Frank F. Bell, city treasurer; George S. Graham, district attorney; C. H. Krumbahar, high sheriff; B. B. Comegys, president Philadelphia National Bank, 4205 Walnut street, Philadelphia; Geo. H. Stuart, president Merchants' National Bank; George Philer, president First National Bank; L. D. Brown, president Seventh National Bank; Lindley Smyth, president Pennsylvania Annuity and Insurance Company; T. L. Erringer, president Philadelphia Trust and Safe Deposit Company; Sam R. Singley, president Provident Life and Trust Company; S. A. Caldwell, president Fidelity Trust and Safe Deposit Company; Thomas Cochran, president Guarantee Trust Company; Wm. Broekie, president Investment Company of Philadelphia; G. M. Troutman, president Central National Bank; Arthur M. Burton, Elliston P. Morris, Thomas L. Gillespie, Geo. S. Harris, Jay Cooke, J. Simpson (Africa) president Union Trust Company; Eugene Delano, of Brown Bros. & Co.; B. K. Jamison, banker; Wm. Henry Larned (Larned, Haas & Handy); E. C. Knibbt; Edward H. Coates (Edward H. Coates & Co.); Francis B. Reeves, (Reeves, Parvin & Co.); William W. Justice (Justice, Bateman & Co.); James Whitall (Whitall, Tatum & Co.); William Waterall (William Waterall & Co.); J. C. Strawbridge (Strawbridge & Clothier); Geo. D. McCreary, vice president Market Street Bank; Joel J. Baily (Joel J. Baily & Co.).

PHILADELPHIA, June 30, 1888.

Mr. FARWELL presented the petition of Joseph D. Tate, of Eureka Springs, Ark., praying that his pension may be increased to \$100 per month; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (H. R. 1216) for the investigation of the mining-débris question in the State of California, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Education and Labor, to whom was referred the bill (H. R. 8665) to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employees, reported it without amendment.