## SENATE.

### FRIDAY, *September* 26, 1890.

The Senate met at 12 o'clock 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. CULLOM presented a memorial signed by a large number of citizens of Champaign, Ill., remonstrating against the passage of any bankruptcy law; which was ordered to lie on the table.

Mr. BLAIR. I present a letter from the Coal Rollers' Benevolent Union of Louisiana, an organization numbering 1,700 colored men, inclosing their memorial protesting against the passage of the Conger lard bill, stating "we have viewed this bill with great apprehension, affecting as it does an industry in which we and our fellow-citizens are deeply interested." They also pray for the appointment of a commission to examine into the condition of the cotton industry and the effect of this bill upon that industry. I move that the letter and memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PADDOCK. I present a petition of the Wholesale Grocers' Association of Boston, Mass., and also a like petition of the Wholesale Grocers' Association of New York, praying for the passage of Senate bill 3991, known as the pure-food bill. I also present a similar petition from Ross & Co., of Pittston, Pa. I move that these petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SPOONER presented the petition of Farmers' Alliance, No. 67, of Burns, La Crosse County, Wisconsin, praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

#### REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1978) to establish ports of delivery at Meridian, at Jackson, and at Greenville, in the State of Mississippi, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HALE. By direction of the Committee on Naval Affairs I report back favorably, without amendment, the joint resolution (S. R. 129) making an appropriation to purchase nickel ore or nickel matte to be used for certain naval purposes. I ask that the joint resolution lie on the table, as the House of Representatives has passed a similar measure, and when it reaches the Senate I shall ask it to take up the joint resolution I now report and substitute the House joint resolution for it.

The VICE-PRESIDENT. The joint resolution will lie on the table.

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

A bill (H. R. 6052) granting a pension to Martha A. Bowling;

A bill (H. R. 9026) granting a pension to N. W. Leasure;

A bill (H. R. 5835) to increase the pension of Mrs. Maria B. Judah; and

A bill (H. R. 11650) granting a pension to Emily Fry.

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

A bill (H. R. 6338) granting a pension to Eben Muse;

A bill (H. R. 3796) granting a pension to Abraham Zimmerman; and

A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812.

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

A bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean;

A bill (H. R. 4825) granting a pension to Arthur Connery;

A bill (H. R. 2002) granting a pension to John C. Morrison; and

A bill (H. R. 4179) granting a pension to Nancy J. Dorlos.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 9565) granting an increase of pension to Joseph M. Wilson, reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 4424) to enable the Secretary of the Interior to complete the appraisement and sale of lands patented to certain Flathead Indians in the Bitter Root Valley in Montana, and providing for the removal of said patentees to the Jocko reservation, reported it without amendment.

#### SALLIE DOUGLASS HARTRANFT.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1840) granting a pension to Sallie Douglass Hartranft, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to said bill, and agree to the same.

C. K. DAVIS,
PHILETUS SAWYER,
*Managers on the part of the Senate.*

E. N. MORRILL,
S. A. CRAIG,
CLARKE LEWIS,
*Managers on the part of the House.*

The VICE-PRESIDENT. The report requires no action by the Senate.

#### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 4430) providing for the purchase of the Maltby House for the use of the Senate; which was read twice by its title.

Mr. SHERMAN. I wish to state the reason why this matter has been delayed so long. The Committee on Rules were of opinion early in the session that this property ought to be purchased. It was mentioned and acquiesced in pretty generally, but at that time it was discovered that there was a controversy about the title, the parties owning the property being in litigation with each other. That litigation has finally been settled, and now the property is offered to the Government upon the terms proposed in this bill. I ask that the bill be referred to the Committee on Appropriations, expressing my opinion that the offer ought to be accepted, if the property is to be purchased at all. Originally I think the proposition came from the Committee on Rules, but I simply introduce the bill and ask that it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The bill will be referred to the Committee on Appropriations.

Mr. DAVIS introduced a bill (S. 4431) to remove the charge of desertion standing against the name of Joseph G. Utter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SANDERS introduced a bill (S. 4432) for the relief of Henry R. Horr; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 4433) directing the payment to Thomas F. Richardville his fees and expenses as delegate for the Western Miami Indians, of Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORGAN introduced a bill (S. 4434) for the relief of Henry Bazinsky, administrator of Abraham Bazinsky, of Warren County, Mississippi; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4435) for the relief of T. J. Powell, administrator of Warren M. Benton, deceased, of West Carroll Parish, Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. SANDERS introduced a bill (S. 4436) for the relief of Ellen P. Clark; which was read twice by its title, and referred to the Committee on Indian Affairs.

#### DISTRICT PUBLIC PARK.

The VICE-PRESIDENT. If there be no further morning business, that order is closed.

Mr. INGALLS. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 4) authorizing the establishing of a public park in the District of Columbia.

The VICE-PRESIDENT. The report is in order. The question is on concurring in the report of the conference committee.

Mr. GORMAN. Mr. President, I have since the adjournment last evening read the conference report very carefully, as well as looked over the proceedings that preceded it in both Houses. I take it for granted from what the Senator in charge of the bill, the Senator from Kansas [Mr. INGALLS], the chairman of the Committee on the District of Columbia, stated on the floor of the Senate last evening, that probably at this late hour in the session no better adjustment of the matter can be made than is contained in this report, and that its rejection would in all probability lead to further delay, if not the entire postponement of securing this property. I therefore shall content myself with saying that I trust at some early date the Senator in charge of this bill, who is the chairman of the committee, will endeavor by proper legislation to adjust this matter so that it will be more equitable to the people of this District, and that the government of this park may be taken out of the hands of the military and put where it properly belongs, under civilians, either the commissioners of the District of Columbia or others.

I regret to see that in the consideration of this bill the army officer assigned as one of the commissioners of the District of Columbia is alone selected to the exclusion of the two civilians. It is true that the bill provides that the President shall appoint three other persons to act with the engineer officer in charge of the District affairs. But I think the provision is unfortunate. I think the whole tendency of our legislation in the past has been to place under the control of army offi-

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cers the construction of public buildings, the supervision of public parks, and other matters that properly belong to civilians. I am aware that the Engineer Corps of the Army stand high, and that in all the works they have had under their charge they have conducted the affairs very well, and economically in all probability, but I do not believe that it is wise policy to assign officers either of the Army or the Navy to employment where civilians alone have heretofore been engaged in the control. It seems, however, that we have reached a point in the history of the country when not only officers of the Army, but of the Navy, are constantly adding to their duties and making such encroachments. I think it is to be regretted. I think it ought to be checked.

At the same time I should not be willing to contest this report and delay it if I could, because I believe that the whole country is interested in having this great national park here at the Capital. I think it has probably been already too long delayed. Ten years ago the property could have been had for less than half of its present value, and a delay for a year or two longer I have no doubt would increase the cost of it half a million dollars, or more.

I therefore shall content myself with voting for the report with the expression of the hope that the chairman of the committee will at the next session of Congress bring in a bill remedying the defects of this measure both as to the amount to be paid by the people of the District of Columbia and as to the government of the park.

Mr. GIBSON. Mr. President, I have felt very great interest in the establishment of the Rock Creek Park. It is my fortune to be very familiar with the area of land embraced in it on account of my custom to ride a great deal on horseback. I do not believe that there can be found anywhere in the world a region of country more suitable for a public park than this. I think at the same time that we are placing an unjust burden upon the people of the city of Washington because it is proposed that they shall be taxed for one-half of the expense. The National Government should pay for the whole of it, but I am so anxious to see it established that I shall vote for the bill just as it is, hoping for amendments hereafter.

I think that the Senator from Maryland [Mr. GORMAN] makes a mistake in supposing that this park is to be under the officers of the Engineer Corps of the Army. I find in section 7 of the bill "that the public park authorized and established by this act shall be under the joint control of the commissioners of the District of Columbia and the Chief of Engineers of the United States Army, whose duty it shall be," etc. So it appears from the bill itself that the commissioners taken from civil life as well as the engineer officer, who constitute the government of the District of Columbia, will have charge of this park.

I have but one apprehension about the whole matter, and that is that the engineers will go in there and despoil the park of its natural beauties. The less work done upon it, the better. At a point just beyond Blagden mill there is an elbow in Rock Creek forming a dell which is one of the loveliest spots in the neighborhood of Washington, and I hope that it, at all events, may be preserved just as it is.

Mr. REAGAN. Mr. President, I shall vote against concurring in this report, because I do not think it was necessary to have provided for 2,000 acres of land for a park at the cost which is to be incurred for it. There are 700 acres, I believe, in the park for the great city of New York, and I have never heard any complaint that that was not large enough. Why we should put 2,000 acres in a park here, and put some of it so remotely from the city as this is for a park, I can hardly understand. Certainly the necessity for 2,000 acres for a park does not appear, especially when it is to be obtained at an expense of $600,000 to the District and $600,000 to the general Treasury, for of course the maximum will be reached, whatever that is, and it is just as well to say that that much shall be paid for the property.

Mr. SHERMAN. Mr. President, I have always been in favor of the establishment of this park. Years ago, when the subject was first broached, it was supposed that the park could be purchased for about $200,000. I have no doubt it could have been purchased at that time for $200,000 or less. Then all this property was suburban. It is not fit for cultivation as farms. It is open land. Every one who has ridden over it, as I have both on horseback and in carriages and in almost every way, knows that it is utterly useless for ordinary farming purposes. But the extension of the city streets and the extension of the city authority through the District of Columbia has now made this property more valuable, so that probably it is worth six times as much to-day as it was twenty years ago when the subject was first broached. It was a great mistake not to buy it then.

The Senator from Texas thinks that the amount of 2,000 acres is too much. I have no doubt that this will be the most valuable purchase ever made by the Government since the first foundation, because these 2,000 acres will increase enormously in value from year to year. The great mistake made in the bill, in my judgment, is that the Government takes the corporation of Washington into partnership with it in this purchase. I think, in the first place—I hardly like to use the word, but I regard it as a mean thing to do. The Government is able to pay for this property, and the District is not. There is no reason why the people of Washington should be compelled to pay for a portion of the property. The Government ought to own it. It would be a good investment taking that narrow view, but in any way you look at it the Government ought to own it absolutely.

Besides that, I do not think either the army engineers or the District commissioners ought necessarily to have any part or lot in it. We have now in the employ of the Government three men who are specially fitted for this particular work, men who have been trained by life-long experience, and who have the taste, the experience, and the ability to perform this duty especially, above all others, and I know no reason why an army officer is prepared for this kind of work. We have here three gentlemen who have had charge of this magnificent planting of trees in this city. All of them are landscape gardeners, all of them familiar with the selection of the ground to be taken and the lines of curvature, because it is a very irregular piece of land that is appropriated by this bill, and the lines of curvature, the questions of taste, have much more to do with it than the question of quantity. The boundaries of this reservation ought to be defined by men who know how the grounds can be improved, how they can be reclaimed, how a tree planted here or an open glade there will add to the beauty and value of the park. We have three men of that kind in the city of Washington, who are probably unsurpassed with but one exception. I know one, and that is the gentleman who prepared the plan of ornamenting the grounds about the Capitol. Those three men are admirably qualified for this work.

Mr. HARRIS. Will the Senator allow me to suggest to him that the bill provides for the appointment of three civilian commissioners by the President, by and with the advice and consent of the Senate?

Mr. SHERMAN. Not to lay off the grounds.

Mr. HARRIS. These experienced persons that the Senator refers to may be selected by the President, if the President chooses to select them.

Mr. SHERMAN. I am very glad to hear it. I supposed the accomplished Chief Engineer of the Army and the engineer commissioner of the District of Columbia were the persons designated to prescribe the boundaries of this park.

Mr. HARRIS. And there are three civilian commissioners besides.

Mr. SHERMAN. Well, I am glad if they are to be added. Now, in respect to any other objections that may be taken, it is only a question of the cost of the park, but it will be improving year by year.

If the objections I have made—and I have not examined the report very carefully—have been met by the appointment of three civilian commissioners, I have no opposition whatever to make to the passage of the bill; indeed, I think the sooner it is done the better, and then I hope the Government of the United States next winter instead of asking the city of Washington to pay a portion of this money especially for maintaining the park in the order which will be required, will repeal that clause and assume the whole burden of this matter and withdraw it from the District of Columbia.

Another thing that is unjust is to assess any of the supposed benefits of this part upon the adjoining proprietors. We had some such experience as that in Ohio at one time, and the law was repealed there, and there were none but the absolute and direct benefits or injuries to be considered. The idea of assessing a portion of this cost upon the truck farms and little patches that may be in the neighborhood or near by, or that, in the opinion of speculators and land-grabbers, may be supposed to be benefited by this park, it seems to me is not exactly the fair thing.

I know a little off from the line of this park there are many persons owning lands in small quantities used for garden patches and who raise truck for market; and to put upon them a special tax in the nature of an improvement or benefit to them is, it seems to me, unjust. It is true they may, on selling their homesteads and little places, get an increased price for the land they have to sell, but most of them do not want to sell, and they should not be burdened with special taxes of this kind; but I suppose this has gone too far to have it changed now, and therefore I hope the report will be adopted and the bill passed.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

The report was concurred in.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 4322) to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, and their assigns; and

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased.

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

A bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.;

A bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;

A bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes; and

Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 179) granting a pension to Ellen Courtney;

A bill (S. 577) granting a pension to Laura J. Ives;

A bill (S. 626) granting a pension to Mary E. Williams;

A bill (S. 754) granting a pension to James Malin;

A bill (S. 768) granting a pension to Frederick H. Macke;

A bill (S. 1059) granting an increase of pension to William W. Bliss;

A bill (S. 1154) to increase the pension of James Johnston;

A bill (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins;

A bill (S. 1456) correcting the military history of David A. Parkhurst;

A bill (S. 1468) granting a pension to Betsey A. Mower;

A bill (S. 1480) granting a pension to Wick Morgan;

A bill (S. 1552) granting a pension to Louise Selden;

A bill (S. 1640) granting a pension to Helen A. Beebe;

A bill (S. 1696) for the relief of Asher W. Foster;

A bill (S. 1705) granting a pension to Ira Manley;

A bill (S. 1706) granting a pension to John Morgan;

A bill (S. 1712) granting a pension to Cynthia A. Gudgell;

A bill (S. 2086) to correct the military record of John Hinsmann, late of Company G, Eleventh Regiment Kentucky Cavalry;

A bill (S. 2216) granting a pension to Mrs. Anna S. Taylor;

A bill (S. 2238) granting a pension to Elizabeth Rumsey, army nurse;

A bill (S. 2569) to increase the pension of Nelson Monroe;

A bill (S. 2597) to remove the charge of desertion from the military record of William S. Bennett;

A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey;

A bill (S. 3183) granting a pension to Amanda M. Smyth;

A bill (S. 3191) for the relief of Albert Shell;

A bill (S. 3332) granting an increase of pension to Margaret E. Pierce;

A bill (S. 3342) granting a pension to Andrew Hopper;

A bill (S. 3414) granting a pension to James Melvin;

A bill (S. 3448) granting a pension to Clara H. McIntire;

A bill (S. 3538) granting a pension to John W. Bennett;

A bill (S. 3560) granting an honorable discharge to Almon Wetmore;

A bill (S. 3756) for the relief of William Elmendorf;

A bill (S. 3816) granting a pension to Margaret D. Marchand;

A bill (S. 3948) granting a pension to Morris Leavy;

A bill (S. 3988) granting a pension to Joseph B. Sellers;

A bill (S. 4209) granting a pension to Henry W. Haley;

A bill (S. 4243) granting an increase of pension to Gurden L. Wight;

A bill (S. 4254) granting a pension to Eliza Wallace;

A bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet the requirements of site;

A bill (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.;

A bill (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to fire limit of site of post-office and Federal building, Brooklyn, N. Y.; and

Joint resolution (S. R. 128) to correct an error in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

JAMESTOWN AND NORTHERN RAILWAY COMPANY.

The VICE-PRESIDENT. The Calendar is now in order for one hour.

The bill (S. 1810) granting a right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation, in the State of North Dakota, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

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

MISSOURI RIVER BRIDGE AT QUINDARO, KANS.

The bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas, was considered as in Committee of the Whole.

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

NICKEL ORE OR MATTE FOR THE NAVY.

Mr. HALE. I call up the House joint resolution No. 228, which has been received from the House of Representatives.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be twice read by its title.

The joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel steel armor, and for other naval purposes was read twice by its title, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I should like to hear some explanation of that. Is it a House joint resolution?

Mr. HALE. It is a House joint resolution identical with the resolution which was reported from the Committee on Naval Affairs. I hope it will be passed, and the Senate joint resolution can then be indefinitely postponed.

Mr. CAMERON. I offer an amendment to the House joint resolution, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 1 the following proviso:

*Provided*, That such nickel ore or nickel matte so purchased shall be equitably apportioned among the contractors for nickel-steel armor-plate for the vessels herein described.

The VICE-PRESIDENT. The question is on the amendment.

Mr. GORMAN. Let it be again read.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment of Mr. CAMERON.

Mr. INGALLS. Now let the joint resolution be read as it will stand if the amendment be agreed to.

The VICE-PRESIDENT. The joint resolution will be read as it will stand if amended.

The Chief Clerk read as follows:

*Resolved, etc.*, That the Secretary of the Navy is hereby authorized to purchase, at his discretion, nickel ore or nickel matte to be used in the manufacture of nickel-steel armor-plating for vessels already authorized or to be authorized to be constructed, and of armor-piercing projectiles, and for other naval purposes: *Provided*, That nickel ore or nickel matte so purchased shall be equitably apportioned among the contractors for nickel-steel armor-plating for the vessels herein described.

SEC. 2. That the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

Mr. DOLPH. Of course I am not versed in the affairs of the Naval Committee, and I wish to ask a question for my own information. Where were the nickel plates which were experimented with at Annapolis manufactured?

Mr. HALE. In France. The nickel plates were manufactured at the establishment of Schneider & Co.

Mr. DOLPH. I understand they are forged steel plates with an alloy of 5 per cent. of nickel.

Mr. HALE. The plate which stood the test so remarkably as to attract the attention of the world is distinguished from other plates in the manner indicated by the suggestion of the Senator from Oregon by an alloy of about 5 per cent. of nickel, which gives greater tensile strength to the plate.

Mr. DOLPH. I should like to inquire whether there are any other satisfactory tests of nickel plate for armor besides the one at Annapolis.

Mr. HALE. The matter has been before the naval world and the scientific world for some time, and experiments have been made leading in this direction and to this result. There have never, I may say, been so complete and convincing tests of the relative merits of armor plate as were made at Annapolis in the two trials which have taken place within the last fortnight. That is the most complete and the most demonstrative test which has been made.

Mr. DOLPH. Is the Senator able to state in a word what have been the results of other tests which have been made elsewhere—I mean in other countries?

Mr. HALE. The tests that have been made at Muggiano, Aboukoff, Russia, at Havre, in France, and Woolwich, England, had little to do with the nickel plate. They were confined to steel and compound plates. There has been no test, as I have said, in a complete way until that under the Secretary of the Navy at Annapolis. The result of that test was somewhat remarkable. Of course it is not intended that testing shall cease, and whatever is done will be done under the direction of the Secretary of the Navy; but that test demonstrated, if it demonstrated anything, and that in a remarkable way, that the nickel plate is far superior to either the solid steel plate of the French establishment or the compound plate of the Cammel Company which is the plate used upon English ships.

I have photographs which show the result of the test, and it demonstrates the use and benefit of the alloy of nickel to so great an extent that the Secretary of the Navy deems it essential that he shall while the opportunity offers, and it ought to be done at once, secure contracts for nickel enough to be used by the establishment that is using

this plate-forging as an alloy, which he can furnish them as we furnish other substances to contractors, charging them accordingly; and it will enter into and be a component part of the plate that is to be made.

The Committee on Naval Affairs had a full hearing upon this subject, in which the matter of tests was submitted to them, and the Secretary and the officers in charge of the Ordnance Bureau appeared, and the committee unanimously authorized the report. The House of Representatives have passed a joint resolution the same as ours, and it is very desirable that it should pass to-day.

Mr. DOLPH. So that recommendation of the Secretary of the Navy and the action of the committee and of the House are based mainly upon the one experiment at Annapolis.

Mr. HALE. It is based largely upon that, although the whole matter had been in the mind of the Secretary and naval officers.

Mr. DOLPH. I inquire whether the contracts have already been made for the armor for the vessels referred to.

Mr. HALE. They have been made.

Mr. DOLPH. So that it will require a modification of them.

Mr. HALE. That is a matter which has been already gone over by the Secretary with the contractors, and they are entirely willing that this introduction of amalgamation of nickel as part of the plate should be incorporated in their work, which has not proceeded in any respect so far that it can not be done conveniently.

Mr. DOLPH. It will require, however, a modification of their contracts, and I suppose the nickel will be more expensive than forged steel.

Mr. HALE. Nickel is, of course, per pound more expensive than forged steel, but the Government supplies that and gets the benefits in the new contracts.

Mr. DOLPH. The benefit which the Government does receive in the way of reduction of price is a matter of agreement?

Mr. HALE. It is a matter of agreement between the Secretary and the contractors.

Mr. DOLPH. Is that covered by an existing law? I suppose the original proposition provided for forged steel armor, did it not?

Mr. HALE. No, there is no specification.

Mr. DOLPH. I wish to ask another question. Can the Senator state what facilities there are in the United States for furnishing nickel or where it can probably be obtained?

Mr. HALE. The great supply of nickel in the world is found in two places—in Canada at Sudbury and in New Caledonia. The Canadian mine is owned by our citizens. There is no question of duty upon it, and these gentlemen are entirely willing to furnish the Government with this nickel unless I may say—and that is one reason for action now—the owners of the mines can sell the entire product to foreign powers who are desirous of getting it.

Mr. DOLPH. Does not the tariff bill which recently passed both Houses put nickel on the free-list?

Mr. HALE. Yes, all sent in crude, which is what is called nickel pig.

Mr. DOLPH. I would ask whether there are any mines that are being worked in the United States.

Mr. HALE. There is some product in Pennsylvania, but that has been to all intents and purposes exhausted.

Mr. DOLPH. I observe that the Representative from Oregon in the other House stated what I know to be a fact, that there are mines in Oregon.

Mr. HALE. It does not in any way interfere. I wish to say before sitting down that I do not think there is any necessity for the amendment presented by the Senator from Pennsylvania [Mr. CAMERON]. The Secretary of the Navy in dealing with this subject of course, more than any one, has the responsibility of carrying out the great work of rebuilding the Navy, which has been adopted by Congress, upon his shoulders, and he will, in arranging with the contractors, do what is the best and wisest thing under the circumstances. I doubt the advisability of directing him in terms to apportion this among the contractors. That is what, of course, he will endeavor to do. I hope the Senator will not insist on his amendment.

Mr. CAMERON. I shall insist upon a vote on my amendment at any rate. I think it is only proper that every person competing for this work should have equal advantages. Some of the contracts have already been made and others will be made, and no advantages should be given to persons who are supposed to be more favored than others. All should be treated alike, and no advantage should be given to one that the ordinary manufacturer would not have. It seems to me that the amendment will do no harm at all.

Mr. HALE. I do not think it has been claimed that the present Secretary has any favorites, as a rule.

Mr. CAMERON. I know that, but some other Secretary might have.

Mr. GORMAN. I have no objection in the world to the amendment of the Senator from Pennsylvania. I think that if the joint resolution is to pass it is very wise that the provision should be made. Therefore, if the Senator desires to take a vote upon that amendment, I have no objection to doing that and going on with what I have to say about this resolution afterwards.

Mr. HAWLEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. HAWLEY. I thought the Senator had concluded.

Mr. GORMAN. Not yet.

Mr. HALE. I am very desirous of hearing the Senator from Maryland and I can not hear a word.

The VICE-PRESIDENT. The Senate will be in order.

Mr. GORMAN. This joint resolution, coming in as it does at this late hour of the session, appropriating an additional million dollars for the naval establishment, it seems to me is very extraordinary. The terms of the resolution itself are more extraordinary, in my judgment, than the proposition to increase the already very large appropriations which we have made for the naval establishment by $1,000,000. For the past six years, during the entire last Administration and during the present Administration up to this time, the management of the Navy Department has given great satisfaction to the people of this country. The system inaugurated by Secretary Whitney, and practically followed out and probably increased in its efficiency by the present able Secretary of the Navy, has been a matter that all Americans have rejoiced at; but it was upon a theory well defined and adopted after long discussion, that, in the procurement of all the material necessary for the construction of vessels, contracts should be made on bids open to every manufacturer in the country. The result has been that three or four great establishments have been created and have given an impetus in the manufacture of steel and structural iron that was unknown in the history of the world until the past six years. In the construction of the vessels alone the Government shops have been in competition with the private establishments. But now comes the proposition under this resolution for the Government to enter into partnership in procuring the material that is used in the construction of the steel armor plates.

Up to this time the ingenious and enterprising men engaged in the private manufacture of steel have been the ones to procure from abroad by purchase and otherwise the right to use the various processes in the manufacture of steel, and all that the Government has done or attempted to do or can wisely, in my judgment, attempt to do, is to fix the standard of the steel that it desires to have placed in these vessels. Hence the contracts were made and a close inspection of all the steel furnished that has been made from the very incipiency until the completion of the plates and their attachment to the ribs of the vessels.

These contracts have been made, and the steel is on hand to some extent, when suddenly, with only a single test, although it has been looked at heretofore and elsewhere in other countries—I mean with a single test of these plates at Annapolis—a very remarkable test, it is true, in support of the efficiency of this particular steel plate treated with nickel, a proposition comes in here at the very last hours of the session to increase the appropriation for the naval establishment from two and a half million dollars to three and a half million dollars, or another million dollars, and the Government is to enter into partnersh p with the manufacturers. How will the Secretary of the Navy be able to hold the contractors responsible for the efficiency of plates to be made hereafter, when he furnishes a part of the material? If it comes, then, to the point of want of endurance or bad construction, the contractor will say he is not responsible, and you will have more suits on hand than you have ever had before, at least since the spring of 1885, when this new arrangement with the Navy Department began. It must be unsatisfactory.

Besides that, I think it is the height of unwisdom to place in the hands of any one officer of this Government a million dollars with which he may go out and buy nickel ore and nickel matte and to buy this material upon the basis of a single trial at Annapolis.

We on this side can not probably stay this matter, but it does seem to me the height of unwisdom, and while I have great respect for the present honorable Secretary of the Navy and believe that he intends to perform his duty as faithfully as did his predecessor, this is, in my judgment, going back to the old system which was carried on for twenty years in this Department, and which resulted in the unanimous opinion of both parties in this country that it ought to be changed. It was changed, and, as I said, to the great gratification of the American people. Now we go back practically to the old line, for this is the first step, of buying the material and going into joint partnership with the contractors who are to make these plates hereafter. It can have in the end but one result, inefficient work for the Government, and extravagance, if not corruption, will follow in its wake.

I do not believe, with all the improvements that are being made in metals, that it is wise, upon a single experiment at Annapolis, for the Government to enter at once into the market as a purchaser for all the nickel in Canada. I am aware that the Senator from Oregon [Mr. DOLPH] has stated that there is a deposit in his State. There are several deposits in this country. It may be that with this large sum of money you can open up additional mines and find this metal here, but as the case stands now it is practically an appropriation to buy the product of a single mine in Canada.

If the Government desires that metal, if this one single test is a demonstration that it is the best which can be used in the construction of these vessels, the Secretary of the Navy has ample authority,

under the appropriation of two and a half million dollars, to change his contracts with the Bethlehem works and change his contracts with Mr. Cramp and the other contractors who are constructing these vessels, and provide that those plates shall contain a certain per cent. of nickel, and care should be taken that it is inspected in every process from the ore to the plate, as is done now and was done so satisfactorily under the last administration, and has been up to this time under the present administration.

There is no necessity for this appropriation and this departure, except to give the administration, as I believe without proper consideration, in the last hours of the session $1,000,000 more of the people's money to be expended.

Mr. HARRIS. Mr. President, by the rule under which the Senate has been acting by consent for the last two weeks, after the routine morning business one hour has been devoted to the consideration of the Calendar under Rule VIII. This is not a Calendar proposition. This is a matter which came over from the other House this morning and was laid before the Senate at once. I think it ought to proceed, with the understanding that when concluded an additional fifty-three minutes shall be devoted to the consideration of the Calendar, for we only consumed some seven minutes in its consideration this morning, when this subject was interposed. I ask that that understanding may be had.

Mr. HALE. I think that is right.

The VICE-PRESIDENT. The Chair understands that the Calendar is to be under consideration for one hour, and with that understanding the Chair is of opinion that the time devoted to this joint resolution should not come out of the hour devoted to the Calendar.

Mr. BLAIR. If the debate upon this proposition is to continue, I shall reserve the right to interpose an objection at any time.

Mr. HAWLEY. I shall be glad to say a few words about the joint resolution. I am very sorry to hear the remarks of the Senator from Maryland [Mr. GORMAN], and I wish it were proper to state all that we know about this matter.

One of his points is that we have hitherto provided carefully that all material for our new ships and armor should be of American production. Now, the tendency of experiments for some time, and especially the culminating experiment at Annapolis the other day, shows that if we are to make the best kind of plate, it should have 1 or 2 or 3 per cent. or a fraction more of nickle in it. That is settled.

Mr. COCKRELL. Five per cent.

Mr. HAWLEY. The Secretary said three and a fraction, but it is known that it should be from one to five or anywhere along there. I think that is clearly decided. That is the judgment of armor and gun makers. Now, we have not enough nickel in this country. We cannot supply it.

Mr. GORMAN. The Senator from Connecticut entirely misunderstood me.

Mr. HAWLEY. I thought the Senator made the point that this was not of American production.

Mr. GORMAN. Not at all. I understand perfectly that the party in power and a very large number of us here believe that is the right policy, and we have so required in the manufacture of guns.

Mr. HAWLEY. It is the right policy.

Mr. GORMAN. I made no reference to the fact that this article was of foreign production. The point I make is that the Secretary of the Navy, if this resolution shall pass, will reverse the policy of the Government by entering on the purchase of the material itself out of which these plates are to be made, and that it will lead to extravagance and, in my judgment, in the end to corruption. We ought to rely upon the manufacturers to procure their own material, as they do in the case of the steel plates.

Now, Mr. President, if the Senator from Connecticut will permit me a word further, I wish to say that I purposely avoided any reference to the improvement feature of this thing, noting at the same time mentally that we have reached a point in the construction of our Navy where that policy can be carried out absolutely and rigidly as the majority party heretofore have intended that it should be.

Mr. HAWLEY. I have heard these matters discussed elsewhere and among scientific men and among experts for a good while, and I know the precise situation of the case. I know that, to be valuable to the United States, quick action is necessary. I believe the transaction to be not only wise, but in an eminent degree honorable to the energy and patriotism of the Secretary of the Navy, and I think that a prolonged discussion of the matter will entangle it and be an injury to the country.

Mr. HALE. I agree entirely with what the Senator from Connecticut has said. This is a matter about which every well-wisher of the country can have but one sentiment. There may be differences of opinion, like those developed by the Senator from Maryland, as to the manner of doing the thing, but that everybody desires that in this great work, which we have embarked in, of building up the Navy, the proper material should be put into the new ships, is an admitted fact.

Now, this emergency comes late in the session because the situation has been developed of late. The matter was brought before the Naval Committee in a very full meeting, and on seeing the facts every member of the committee on both sides of the Chamber, representing both parties, said to the Secretary, "We give you our God-speed, and this subject can hardly give rise to debate or to bringing out facts and circumstances and situations that would embarrass the Secretary, but we will take hold and help carry it through the Senate as a wise and patriotic measure."

Rather than take up more time in answering in terms the Senator from Maryland, I very much desire that we should get a vote upon this joint resolution. There is no departure from the policy of the Government, excepting as the emergency requires a variation of it, and the Secretary can be trusted in this matter as we trust him in relation to the making of contracts. I hope we may dispose of the joint resolution promptly.

Mr. PLUMB. Mr. President, I am perfectly willing to trust the Secretary of the Navy within certain reasonable limits in regard to all matters that come within his proper jurisdiction. I regard him as a singularly able, efficient, and patriotic person, animated by but one desire, and that is what is the best possible for the service of which he is the head. But it seems to me we are going off rather suddenly upon this matter. A single experiment of plate manufactured, no one knows how and practically no one knows where, has seemed to demonstrate that a combination of iron and nickel makes a metal or substance which is better for armor plates than iron alone or steel alone.

But, Mr. President, the plate which was tried at Annapolis was made in France. I am not informed that the plate was subjected in the process of manufacture to the inspection of Government officials, so that we do not know exactly what the compound was. It may be entirely different from what we suppose it to be. It is a single experiment anyhow. Of course I defer to those who have heard more than I have, but I have never heard of there having been more than one experiment made to test the comparative merits of steel alone and steel and nickel combined.

The very first thing that will result from this is the legal consequences if this project shall be carried out, that the Government, and not the contractors, will become responsible for the quality of the plate furnished. No matter what amount of nickel may be furnished or what combination may be used, if the plates which result from this combination are what they ought not to be, the Government, and not the contractors, will be responsible, and therefore it introduces a new element into all these contracts, and, instead of holding the contractor responsible for the character, the strength, the durability, or the efficiency of the plate which he is to make and with which we armor our ships, the Government assumes that responsibility alone.

The Secretary of the Navy of course would not put plates on a ship that were not good. I agree to that. But how do we know that it will not be discovered to-morrow that some other combination is even better than this, and if we are to do this thing, if we are to depart from the contract and from precedent, if we are to ignore all the safeguards with which we have surrounded this question of the construction of ships, why not say—and that would be better—that, if the Secretary of the Navy in the progress of the construction of these ships shall discover any material better than that which is now being used according to the contract or which may be supplied under the terms of the contract, he may contract for the substitution of that metal with such addition to the price as in his judgment may be correct in order to make up the additional cost to the contractor?

Mr. President, there have been experiments in other directions made, equally interesting, but perhaps not on so large a scale, but to some extent as satisfactory as the one of which we have had information as having recently occurred at Annapolis. The introduction of aluminum into the pores of the iron, whereby the pores are filled in the first place, results in making the metal more dense, whereby also the refractory substances are expelled, not only by reason of the introduction of aluminum, but by reason of the fact that the metal remains liquid for a longer period of time, whereby the gases and other substances, such as phosphorus, sulphur, and things of that sort in the metal, are allowed to escape. The sudden congealing of iron after melting always prevents this escape of the gases. The increased rigidity of iron and steel by the introduction of aluminum tends to produce in many cases this very result.

I do not say that for the purpose of putting aluminum against nickel, but I only say this is a good wide field, upon the borders of which alone we have touched, and I think it would be a great deal wiser (if we are to commit this discretion to the Secretary of the Navy to abolish these contracts and substitute something else) to say so and let it apply in the very widest possible way and confer on him ample discretion and give him ample funds to meet that discretion, and let him avail himself of the best the market affords, nickel, if it is nickel, to-day, and aluminum, if it is aluminum, to-morrow, or a combination of those two, and the steel besides, if that is found better.

In other words, I would put the Secretary in a position to avail himself of the present condition of things and of what may be developed from time to time; but on a single experiment to authorize him to purchase nickel—not that the contractors may purchase nickel, but that the Secretary shall purchase nickel to be furnished to the contractors whereby the discretion of the Government and the authority of the

Government and the risk of the Government are to be substituted for the risk and the discretion and the authority of the contractors as to the entire structure—if that is to be done, as it will be done if this resolution passes, we ought to say so directly, and, instead of saying it as to a single material, as the result of a single experiment not yet published, probably, in one-tenth of the papers of this country, we ought to say that, in view of these changing conditions, and they are such, and are so recognized everywhere, that we give to the Secretary authority to postpone contracts, to change contracts, and substitute new materials in whole or in part for the materials which contracts made under the law now require.

I object to this resolution because of these reasons, because it is a dangerous thing at the close of a session, when everybody is willing that almost anything shall be done that he is not absolutely certain is wrong, and we are all waiting for the words which shall dismiss us from a long and tedious service and enable us to get away, to bring in a measure of this kind which overturns the entire substance and effect of all the contracts and all the elaborate legislation we have provided heretofore in regard to the construction of ships. There is nothing left of it; but simply on the result of two or three shots fired at Annapolis we propose to undo everything that has been done after years of patient labor to provide the ways and means whereby the Navy may be built up without the resulting scandal which has come heretofore from unlimited executive discretion.

But I do not object now to the discretion if the Secretary of the Navy should say as to one ship or two ships as to any work which is to be done during the time that is to elapse before Congress again reassembles, within a two or three months' limit until the first day of the next session, he ought to have discretion to experiment with one of these ships or two of them. I am willing to say so; but I would make the change of the contracts merely *pro tanto*. I would make it apply to a limited extent. I never would commit myself to a policy, following so narrow an experiment, that nickel should be purchased by the Government to be supplied to the contractors, as being the one thing needful to make improved armor for our ships and warrant us in getting away from all those safeguards which by the language of the statute we have placed around the exercise of executive functions in the construction of these ships. I would not commit myself at this moment to a project of that sort.

Mr. COCKRELL. I should like to ask the Senator from Kansas a question in regard to the utilization of aluminum. I understand that it is now claimed by some company in Chicago that they can manufacture it at about 15 cents a pound. I heard that they claimed that some time ago.

Mr. PLUMB. It is claimed that aluminum can be manufactured a great deal cheaper than that. There is no metal that is so widely diffused, so plentiful in the world as aluminum. All clays practically contain aluminum, some more and some less, but the difference in the value of the clay which contains the aluminum is not so much in the amount of aluminum, but in the absence or presence of refractory substances in combination. But it has been stated to me on what appeared to be very good authority that aluminum can be made for 3 or 4 cents a pound. I am told that the added cost where it has been used in combination with iron is very slight indeed, and it is made by a cheap, inexpensive, and comparatively familiar process. But I do not dwell upon that except merely by way of suggestion to show that there are other fields of investigation besides nickel, and other combinations besides that of steel and nickel, which may be expected to yield some fruitful results in the near future.

Mr. COCKRELL. I want to ask right in that line if the Senator has any information or data in regard to experiments made upon steel or iron with the addition of aluminum or any compound of them. I think some years ago the Senator showed me a piece of iron that was supposed to have in some measure absorbed some aluminum, and I would like to know the effect of it and what the experiments have shown.

Mr. PLUMB. Some months ago I was told by a gentleman connected with an establishment in New Jersey that in a factory there this process of combination was being used to the effect of not only making a very much better material, but by reason of the greater liquidity of the material 30 tons could be made a day in place of 20 by the same machinery. But I do not speak of this as evidencing that there is that definiteness of result which might be looked for or required in a case of this kind; but that that is to be one of the results of the combination between aluminum and steel and iron for the purpose of making a better metal than either I have no doubt is to come in the near future, if it has not already come.

All I want is that the Secretary shall have that wide authority to enable him to say, "I have done the best I could with relation to modern discoveries and not been limited to one single thing which may prove a failure."

Mr. GRAY. The joint resolution which has been reported unanimously from the Committee on Naval Affairs after a meeting which was a full meeting, which every member of that committee attended, and after a conference between that committee and the Secretary of the Navy, is one that seems to me ought not to receive much opposition in its passage from the Senate after they understand the leading reasons which provoked the offering of the resolution.

The circumstances in which we find ourselves in regard to naval architecture are somewhat exceptional. It has been the good fortune of the United States in its happy-go-lucky policy that during the last quarter of a century we have not entered into the competition that has been going on all over the world between artillery and armor. Those costly experiments have been made by other nations, by England, by France, by Germany, and we are now the heirs, so to speak, of the results which have been arrived at from the experiments that have been made at the expense of other peoples. We have arrived at the point when the American people seem to think we can no longer pursue that policy and must make for ourselves a navy. At the very outset, while these experiments are still being made, by what seems to be a very happy discovery, if the succeeding experiments shall vindicate the results of the first test that was made at Annapolis the other day, it appears that the combination of steel and iron armor is inferior to the amalgam of steel and nickel, which for the first time, by experiment made by the ordnance officers of the United States Navy at Annapolis, demonstrated its superiority to the other.

The Secretary of the Navy, the Chief of Ordnance, and the gentlemen who are conducting these experiments seem to have been wide awake and alert and properly enterprising in this matter, and they have called the attention of Congress to the necessity of pursuing these experiments, and if they shall vindicate the results of the first experiment, that we shall be able to reap the beneficial results to the naval architecture of this country which alone can make those experiments useful.

Now, it so happens that the supply of nickel in the world is not deposited universally over the surface of the earth. The sources of nickel supply, I believe, are largely found upon this continent. There is a nickel mine in Canada and there are one or two deposits in the United States, but not in sufficient quantity in the United States to justify the belief that if these experiments are to produce the same results that the first have produced we can hope to receive from the mines of the United States within our borders a sufficient supply to amalgamate the steel needed for the armor of all the vessels which are now contracted for; and therefore the Secretary of the Navy, very wisely, I think, has asked for authority of law to purchase nickel in his discretion in such wise that he may be prepared to reap the results that may be demonstrated to be proper and useful by the continuance of these experiments which have been commenced at Annapolis, at the proving-grounds, that he may be able to provide for the Ordnance Department a supply of nickel, and prevent its being engrossed and forestalled by competing nations that are quite as wide awake as we are, and who were probably informed as soon as the public in the United States of the result of the recent experiments at Annapolis of the 8-inch gun on this plate of amalgam of steel and nickel.

We should not be in such a situation and should not so cripple the executive hand of the Government that we can not in a businesslike way and on proper grounds be able to demonstrate and, as I said before, reap the result of our own experiments and of the skill and enterprise of our own ordnance officers. As I understand, the million dollars that is put at the disposal of the Secretary of the Navy for this purpose will, in his opinion, enable him to control a sufficient amount of this nickel to supply the contractors, if it shall be demonstrated by a further line of experiments that that is the proper amalgam to make and is going to be the toughest and most capable of resistance of any of these armor-plates that have yet been constructed.

Of course these experiments are expected to be carried on to a larger extent. The Secretary will then be, if this joint resolution passes, in a condition to avail himself of the results of our own genius and the experience and enterprise and skill and invention of our own people.

I therefore think, Mr. President, it is eminently wise that under these exceptional circumstances, not reversing the policy, not making it a precedent in these matters, but solely upon the exceptional reasons I have given and others that might be given and are understood by the Executive, we should pass this resolution and give him the authority and the means to make fruitful the course of experiments that he has already entered upon.

Now, I for one am perfectly willing to trust this discretion to the Secretary of the Navy. I do not think that there is any branch of this Government that is more wisely and more honestly administered than the Navy Department. I think, of all the eminent Secretaries who have preceded the present incumbent of that office, none has better assured the people of the United States of the honesty and integrity and intelligence with which the Department is administered than the present head of that Department, and I for one am perfectly willing to trust him on these exceptional grounds with this discretion in regard to this purchase of nickel.

It may be possible, but is not probable, that further experiments may lead to a different result than that which is now indicated. That is possible; but the nickel which is purchased by the Secretary, I am sure, will be purchased in such fashion and on such terms that there will be no loss to the United States, and the price at which it is bought and the manner in which it is bought will insure the United States against loss, or a very small loss in that direction. I think we ca

very well take the risk, under the circumstances I have detailed, of a small loss in that respect in order not to be bound after these experiments are made, and absolutely disabled from going ahead and reaping the fruits of our discoveries.

I therefore hope that this joint resolution will pass and pass promptly.

Mr. HALE. Mr. President, I will not object to the amendment of the Senator from Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. CAMERON].

The amendment was agreed to.

Mr. PLUMB. I suggest that the joint resolution lie over until it can be looked into a little to see if it can not be further amended in such a way as to make it safer perhaps in any event. There can not be any question about it between to-day and to-morrow. Certainly for myself, having contributed somewhat to build up the most elaborate structure of legislation that clothed the Secretary of the Navy with more power than statute ever provided before, I feel a little bit against turning that over in the way which the Senator from Maine proposes. Of course, he has had much more to do with it than I have had, but it is a dead give-away so far as the executive control is concerned. I hope he will consent to have the joint resolution go over until to-morrow so that it can be examined and we can see if there can not be something added to it which will make it a little bit more palatable and at the same time a little more certain that we shall not wake up at the next session, or at some other, feeling that we had put our foot into it.

Mr. INGALLS. May I inquire what bill we are acting upon?

The VICE-PRESIDENT. The title of the joint resolution will be reported.

The SECRETARY. House joint resolution 228, authorizing the Secretary of the Navy to purchase nickel ore or nickel matte.

Mr. INGALLS. When did that come to the Senate?

The VICE-PRESIDENT. It came to the Senate this morning.

Mr. INGALLS. It can only be read once to-day, except by unanimous consent.

Mr. HALE. The joint resolution was laid before the Senate and read twice, and taken up.

Mr. INGALLS. Any Senator has a right to object at any stage to another reading of the bill, and if it is thought that there is not sufficient information it is in the power of any Senator, under the rule, to call for the regular order in connection with the parliamentary stage of the joint resolution. I have no desire to interfere, so far as I am personally concerned, but at the same time it is proper that those who are opposed to this joint resolution should understand that it is within their power to prevent the third reading to-day, that no consent can be given, because unanimous consent would apply only to the reading that was called for.

Mr. HALE. There is no doubt about the point made by the Senator from Kansas [Mr. INGALLS], and it is a point that can be made on at least a large proportion of the legislation that we enact, so far as the Senate does enact it. We have at the end of a session to depend largely upon unanimous consent for the doing of business, and it is one of the strong points in the Senate that under unanimous consent and under a liberal system of rules, with no coercion, the Senate does the business of the country.

Now, if any Senator feels that this matter is one that ought to go over for a day and is inclined to invoke the rule, of course it must go over. It is a very important measure. It is a measure in which there are no real dangers. It is a measure the failure of the passage of which may be attended with grave difficulties and dangers, and I have been very desirous that we should get it through to-day. To-morrow we may be in the face of the tariff bill or other bills that are upon the Order of Business, and I should be very glad if we could come to a conclusion and vote upon this proposition. I have no fear that when the Senate votes upon it the joint resolution will not be adopted by the Senate. I am only seeking to avoid delay, and I should be very glad to have a vote now.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

Mr. GORMAN. Mr. President, I trust the Senator from Maine will permit the joint resolution to lie over until to-morrow. I do not see that that can in any way interfere with its passage. There will be no trouble, so far as I am concerned, about getting unanimous consent to take it up to-morrow. This, however, is an extraordinary proceeding, and it appears from what the Senator from Maine himself has said, and the Senator from Delaware, that there may be state reasons, which it is thought proper not to communicate to members of the Senate outside of the secrets of the committee-room, why this joint resolution should be rushed through at this time, and they may be perfectly good.

The Senator from Maine went so far as to say that all patriotic men would be in favor of the passage of the resolution instanter. I confess there are quite a number of us who believe we are patriotic and are very anxious to give the Navy all that is necessary. I have great confidence in the present Secretary, as I stated when on the floor before, and hesitation here on this question is no reflection upon him, on his integrity or his ability; but this is the first time in my service that I have known in a matter of construction of vessels of war, the purchase of material of any sort or description for the use of the Government, that the fullest and the freest information has not been given inside of the committee and outside of the committee. Now, I know nothing personally about the circumstances surrounding this case except what I have gathered.

Mr. HALE. Mr. President——

Mr. GORMAN. One moment, if the Senator will permit me, and I want him to have the benefit of what I say, so that he may throw light upon the subject. We know nothing except that which comes through the public press and through the sources from which we gather information about the doings and affairs of the Government, that five or six Americans have purchased a mine in Canada, which they claim is one of the greatest mines in the world producing nickel. It has not been profitable on their hands up to this time, and with the knowledge that the Governments which are trying the experiment of the manufacture of plates composed of steel and of nickel from this mine, the process of which is not known except to the manufacturers, patented, as I am informed—of course, I do not claim that this information is accurate—now comes the single test, having great success, as the officers of the Navy Department claim, at Annapolis, and on that single test a joint resolution is to be rushed through at the closing hours of the session, authorizing an officer of this Government to contract for the whole output of that mine.

Now, it may be all right; it may be that the British Government or the French Government are bidders in secret and that our officers have an advantage by outbidding them, and it requires a million dollars to take it; but I submit that Senators who have voted as I have for liberal appropriations of twenty-three or twenty-four million dollars for the Navy this year are entitled at least in private to some more information than we get, and it will not do for my friend from Maine, whom I respect, as he knows, to intimate in his statement that every patriotic man who wants to build up the Navy will be in favor of this measure. It is possible I may be in favor of it. I have never hesitated, as the Senator knows perfectly well, to vote for most liberal appropriations for the Navy, to put in the hands of the present Secretary any power that was necessary and proper to enable him to go on with the Navy, for I have great confidence in him and respect for him, but I do insist that we are entitled to a little more light on this subject, and I hope the Senator will permit the joint resolution to go over.

Mr. HALE. I rose, Mr. President, for the purpose of acceding to the suggestion that the joint resolution go over until to-morrow, all the more willingly because I know that in this matter Senators have the same patriotic purpose in view, whatever may have been their suggestions in the course of this debate or wherever they may sit in this Chamber. I have had too long experience with the Senator from Maryland on this floor and upon important committees to in any way question either his patriotism or his singular good sense and wisdom as a legislator; and I am all the more willing that the measure should go over to be called up to-morrow morning at the end of the routine morning business, because I would be glad for the Senator to inform himself more fully, not that I mean to intimate that he lacks information upon the matter or upon any phase of the subject that will tend to give more light. The more this is looked into the more it will be seen that it is important now to pass it. The difference between to-day and to-morrow is not vital.

I would say in answer to one suggestion of the Senator that the company which owns the Canadian mine has made a plate to be tested; that the Canadian mine people knew nothing whatever about it but the test made by the great establishments abroad; that each of the tests was furnished by the establishments abroad as their best specimen for resisting projectiles; and it is not a matter of any account to the owners of the Canadian mine whether the Government takes this or not. They can sell it abroad. They can sell every pound that they can produce there and at larger prices than it can be bought by us. But we are confronted with an emergency that has come about now in the last days of the session. We have got to act upon it and meet it or reject it. I have no fear that the Senate, if this measure goes over until to-morrow, will reject the proposition, and therefore I consent that it may go over without any formal point of order being made, and I shall call it up, with the leave of the Senate, to-morrow morning directly after the routine morning business.

The VICE-PRESIDENT. The joint resolution will go over. The renewed consideration of the Calendar will now commence, with fifty-three minutes remaining of the hour allotted to it.

## FLORIDA LANDS.

The next business on the Calendar was the resolution submitted by Mr. CALL in relation to the claims of Florida under the swamp-land grant.

Mr. SAWYER. That resolution is adversely reported. Let it go over under Rule IX.

The VICE-PRESIDENT. It goes over under Rule IX.

The next business on the Calendar was the resolution submitted by Mr. CALL relating to the improper and unlawful selections under alleged railroad and swamp and overflowed land grants in Florida.

Mr. PASCO. The same course may be pursued as to that resolution.

The VICE-PRESIDENT. The resolution will go over under Rule IX.

LIST OF PRIVATE CLAIMS.

Mr. SPOONER. I ask leave to submit a resolution at this time.

The VICE-PRESIDENT. The resolution will be received and read, if there be no objection.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Senate cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 4th day of March, 1881; and that he communicate the same to the Senate when completed.

Mr. SPOONER. I suppose the resolution must go to the Committee on Contingent Expenses. It will involve, if adopted, ultimately an expenditure of money.

Mr. PADDOCK. I should like to inquire of the Senator if the resolution is reported from a committee.

Mr. SPOONER. I was just stating that I supposed it must be referred to the Committee on Contingent Expenses. It is not reported, but introduced.

Mr. PADDOCK. The inquiry I made was whether it was reported.

Mr. SPOONER. It is just introduced.

Mr. PADDOCK. Then I suggest that it be referred to the proper committee having charge of such subjects.

Mr. SPOONER. I say it must be sent to the Contingent Expenses Committee.

Mr. COCKRELL. Mr. President, we can not hear a word of what is going on over there.

Mr. SPOONER. I introduced the resolution with the statement that if it is adopted by the Senate it will involve ultimately the expenditure of some money, and for that reason I suppose it must be referred to the Committee on Contingent Expenses. I ask that it be so referred.

Mr. PADDOCK. The inquiry I put to the Senator from Wisconsin was if it had been reported from any standing committee having jurisdiction of the particular subject covered by the resolution itself. I think it would be better to have it go to the Committee on Claims and get a report from that committee, and then refer it to the Committee on Contingent Expenses. I think that method has obtained generally in respect to such resolutions. For one, as a member of the Committee on Contingent Expenses, I think it would be very desirable, and that committee would be gratified to have resolutions of this kind go to the committee having jurisdiction of the subject to first consider them.

Mr. SPOONER. Similar work has been done by the Secretary of the Senate before under resolutions identical with this one, and it need not go to a standing committee to be reported on its merits. It must be quite apparent to any Senator, I think, that it is important to the Committee on Claims in the discharge of its duties, and also to Senators, that we may be able to turn to an index of all the private claims.

Mr. PADDOCK. Undoubtedly it would be important.

Mr. SPOONER. The Committee on Claims will have no further meetings at this session of Congress. I think, under the rule, the resolution ought to go to the Committee on Contingent Expenses. If the committee desire to report it back with the recommendation that it be referred to a standing committee, that course can be pursued.

Mr. COCKRELL. Let the resolution be again read.

The Chief Clerk read the resolution.

Mr. SPOONER. There is a list made up by the Secretary of the Senate to the 4th day of March, 1881.

Mr. COCKRELL. There is a list from the foundation of the Government.

Mr. SPOONER. Yes, up to that date.

Mr. COCKRELL. The list is contained in different documents, and some of them are accurate and some of them are not. The first reports were published in quarto form, and they are quite large. Then there were two volumes of reports published some years ago bringing the list of claims presented to the Senate and House of Representatives down to 1881; and as this additional list can not be completed in time for our use at the coming session it ought to include claims to the 4th of March, 1891, and the order ought to so specify.

Mr. SPOONER. It would be a continuation of the record in alphabetical form, a transcript of a portion of which heretofore printed I hold in my hand. It is an alphabetical list of private claims. It shows in separate columns the name of the claimant, the nature or object of the claim, the Congress and session in which it was introduced and considered, how brought before the Senate, whether by petition, memorial, or bill, the committee to which referred, the nature of the report, the number of the report, the number of the bill, how disposed of in the Senate, whether laid upon the table, or recommitted, or passed, with a statement under the head of "remarks." These claims are coming in all the time. There are now over a thousand before the Committee on Claims, and it seems to me quite obvious that this record should be completed. I think the suggestion which the Senator from Missouri makes, as all suggestions which he does make on such subjects, is a valuable one and ought to be adopted.

Mr. COCKRELL. There is no doubt that we ought to have the index, and it ought to go up to the 4th of March next.

Mr. SPOONER. I agree with the Senator.

Mr. COCKRELL. Then it will be from the 4th of March, 1881, to the 4th of March, 1891.

Mr. SPOONER. Let the resolution go to the Committee on Contingent Expenses and they can report upon it.

Mr. PADDOCK. As the precedents run in that direction, I withdraw my objection to a reference to the Committee on Contingent Expenses.

Mr. COCKRELL. First let the resolution be amended so as to take the index up to the 4th of March, 1891.

The VICE-PRESIDENT. The resolution will be so amended, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The next bill on the Calendar will be stated.

OSAGE RIVER BRIDGE IN MISSOURI.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

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

The first amendment was, in section 1, line 3, after the word "Springfield," to strike out "Railway" and insert "Railroad;" so as to read:

That the Chicago, Hannibal and Springfield Railroad Company, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "river," to strike out "beyond what is necessary to carry into effect the rights and privileges hereby granted;" in line 9, after the word "location," to strike out "the topography of" and insert "the high and low water lines upon;" in line 11, after the word "river," to strike out "the shore lines at high and low water" and insert "the direction and strength of the currents at all stages of the water, with the soundings accurately showing the bed of the stream and;" in line 14, after the word "bridges," to insert "such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge;" and in line 20, after the word "be," to insert "commenced or;" so as to make the section read:

That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 3, after line 18, to insert:

All changes in said bridge required at any time by the Secretary of War shall be made at the expense of the persons or corporation owning or controlling said bridge.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "way," to insert "across said bridge and its approaches," and in line 3, after the word "lines," to strike out "across said bridge;" so as to make the section read:

SEC. 5. That the United States shall have the right of way across said bridge and its approaches for such postal and telegraph lines as the Government may construct or control.

The amendment was agreed to.

The next amendment was to add a new section, as follows:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

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

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

LEAVES OF ABSENCE FOR POSTAL EMPLOYÉS.

Mr. EVARTS. I ask that House bill 10086, which was passed over, reserving its place, the other day, may now be taken up. It grants the opportunity of a vacation of fifteen days to the post-office clerks.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10086) granting leaves of absence to clerks and employés in first and second class post-offices.

The VICE-PRESIDENT. The bill was read when formerly considered, and the amendment of the Committee on Post-Offices and Post-Roads was agreed to.

Mr. REAGAN. When this bill was called up on a former occasion I objected to its further consideration, and it was allowed to pass over without prejudice. While I do not abate my opposition to the policy

of the bill and while I shall vote against it, I do not feel that I should be quite justified in standing in the way of the Senate taking a vote upon it.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting leaves of absence to clerks and employés in first and second class post-offices, and to employés of the Post-Office Department employed in the mail-bag repair shops connected with said Department."

PORTRAIT OF JOHN PAUL JONES.

Mr. VOORHEES. I beg the indulgence of the Senate to turn back to Order of Business 824, being the bill (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones, reported from the Committee on the Library some time ago and passed over in my absence. It is the only portrait of him that we shall own if we purchase it, and it is an admirable work of art.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $750 for the purchase from George B. Matthews of his portrait painting of John Paul Jones.

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

ALTAMAHA RIVER BRIDGE.

The bill (H. R. 10286) to authorize the construction of a bridge across the Altamaha River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, which were, in section 3, line 4, after the word "same," to insert "and its approaches;" in line 6, after the word "freight," to strike out "over said bridge;" in line 8, before the word "shall," to strike out "they" and insert "it;" and in line 11, after the word "telegraph," to insert "and telephone;" so as to make the section read:

That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same and its approaches of the mails, the troops, and munitions of war of the United States, or passengers or freight, than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for said postal-telegraph purposes.

The amendments were agreed to.

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

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. DOLPH, and Mr. VEST were appointed.

ADMINISTRATRIX OF GEORGE W. LAWRENCE.

The bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence was considered as in Committee of the Whole.

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

That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the hull of the United States double-enders Agawam and Pontoosuc cost the contractor, George W. Lawrence, over and above the contract price and allowances for extra work, and to enter judgment in favor of Thankful Lawrence, administratrix of said George W. Lawrence: *Provided*, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session.

SEC. 2. That at the hearing or on the trial of any suit so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases.

Mr. COCKRELL. Let a part of the report in that case be read, the report without the exhibits. It is short.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HIGGINS September 19, 1890:

The Committee on Claims, to whom was referred the bill (S. 3270) for the relief of the administratrix of George W. Lawrence, have had the same under consideration and respectfully report:

George W. Lawrence, the decedent, on the 9th of September, 1862, entered into two agreements with the United States, through the Navy Department, for the construction of the hulls of two wooden double-enders, called the Agawam and Pontoosuc. The contract provided that the vessels should be launched within one hundred and twenty-six days, and then be delivered to the Government, who through other contractors would supply the machinery. Fifty days were allowed for the attachment of the machinery; whereupon George W. Lawrence was to do that work which followed and was necessary to secure the machinery in place.

The fifty days for the attachment of the machinery expired in the case of the Agawam on June 10, 1863, and in the case of the Pontoosuc on July 9, 1863. Through no fault of Mr. Lawrence or his agents, the machinery was not attached to the Agawam until December 9, 1863, and on the Pontoosuc until May 16, 1864. During this prolonged time the advance in the price of labor and material accompanied the rise in gold prices, and this delay imposed upon the contractor, through no fault of his, the loss resulting from purchase of material and the employment of labor at the enhanced prices. The contract price for each vessel was $75,000.

Mr. Lawrence completed his vessels and delivered them to the Government. That they were satisfactory is manifest from the fact that his bills were entertained and considered by the Selfridge board, composed of Commodore Thomas O. Selfridge, Chief Engineer Alexander Henderson (succeeded July 8 by Montgomery Fletcher), and Paymaster C. H. Eldredge, which convened at the Brooklyn navy-yard June 5, 1865, and continued in session for more than six months. This board convened under the following resolution of the Senate;

IN THE SENATE OF THE UNITED STATES, *March* 9, 1865.

*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

They reported (*inter alia*) (see Senate Ex. Doc. No. 18, Thirty-ninth Congress, first session, pages 61, 62) as follows:

"The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

| | |
|---|---|
| "Double-ender Agawam, wooden hull, G. W. Lawrence | $8,610.77 |
| "Double-ender Pontoosuc, wooden hull, G. W. Lawrence | 8,610.77 |

"All of which is respectfully submitted.

"THOMAS O. SELFRIDGE,
"*Commodore and President of Board.*
"MONTGOMERY FLETCHER,
"*Chief Engineer.*
"CHAS. H. ELDREDGE,
"*Paymaster.*

"Hon. GIDEON WELLES,
"*Secretary of the Navy, Washington, D. C.*"

On January 31, 1866, this report was referred to the Committee on Naval Affairs of the Senate, who thereupon, March 22, 1866, reported a bill for the payment of the awards thus made. This bill (S. 220, first session, Thirty-ninth Congress), passed the Senate. In said report (No. 45, first session, Thirty-ninth Congress) the committee says:

"From June till December last, the board organized by the Secretary of the Navy under the Senate resolution, composed of eminent officers of the Navy, was engaged in hearing evidence and investigating the claims of these parties. That investigation seems to have been fairly, carefully, and thoroughly made. It was by officers of the Department, and the award, which the committee believe to be substantially right, should be adopted as the basis of relief to the parties, and therefore the committee report the accompaning bill."

Your committee recognize the merits of the claim, but recommend to the Senate the accompanying substitute, which gives to the claimant the opportunity to go before the Court of Claims and prove how much the vessels cost the decedent, but limits the right of recovery to the sum found by the Selfridge board.

Hereto is appended a copy of the contract for the Agawam. The contract for the Pontoosuc, entered into the same day, is identical with it in all its provisions.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Claims.

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.

RHODA BUCK.

The bill (H. R. 8713) granting a pension to Rhoda Buck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rhoda Buck, widow of Hasson A. Buck, late of Company K, Seventh Michigan Cavalry Volunteers.

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

MARK F. CARTER.

The bill (S. 573) granting an increase of pension to Mark F. Carter was considered as in Committee of the Whole. It proposes to pay to Mark F. Carter, late a member of Company E, Second Regiment of Iowa Volunteer Infantry, a pension of $50 a month, in lieu of that which he now receives.

Mr. COCKRELL. Let the report be read in the case.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER September 20, 1890:

The Committee on Pensions, to whom was referred the bill (S. 573) granting an increase of pension to Mark F. Carter, have examined the same and report:

In the immediately preceding Congress a bill was introduced granting an increase to this claimant from $30 to $50 a month. He was at that time receiving the highest rate for his disability, as it then existed, provided for by the general law, and the report of the committee was adverse.

It appears, from evidence now in the hands of the committee, that his disability is progressive, and that since the above report was made he has become almost helpless. The claimant was a member of Company E, Second Iowa Regiment.

John K. Price, of Fairfield, Iowa, testifies that he has known him twenty years; that his health during that time has been very poor; and that he has never been able to do a day's work; that at the present time he is unable to perform any manual labor; that it is not safe to leave him alone, and that it is necessary for some one to be with him all the time. Affiant knows these facts because he has been his near and intimate neighbor.

Dr. W. Fordyce, of Glasgow, Iowa, testifies that he has known him the last fifteen years, and has been his physician six years; that he is to all intents and purposes helpless; that he is dependent upon his pension.

A. G. Smith, postmaster at Lockridge, Iowa, testifies that he has known claimant for years; that he is very weak and practically helpless; that he needs an attendant always at night and in cold weather; that he is always confined to the house.

Dr. R. B. Stephenson, of Lockridge, testifies that claimant is suffering from heart trouble and nervous prostration; that he is subject to smothering and sinking spells at night, on account of which he needs an attendant. John Heron, of the same place, gives similar testimony; from all of which it is apparent that his disability is progressive; that he is unable to engage in any kind of employment; that he is nearly helpless, and that he will never be any better.

It is not doubted that his condition is due to his service.

Senator WILSON, of Iowa, knows the witnesses and assures the Senator who makes this report that they are reliable men.

The bill is reported favorably, with a recommendation that it do pass.

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

FORT RANDALL MILITARY RESERVATION.

Mr. PLUMB. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 789.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist on its amendment and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. PADDOCK, and Mr. PASCO were appointed.

MESSAGE FROM THE HOUSE.

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

A bill (S. 181) for the relief of the estate of Thomas Niles, deceased;

A bill (S. 1195) for the relief of Snowdon & Mason;

A bill (S. 3798) to authorize the Mobile, Jackson, and Kansas City Railroad Company to cross certain rivers in the State of Mississippi;

A bill (S. 3852) to authorize the Eagle Pass Water Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.;

A bill (S. 3996) to repeal sections 3952 and 3953 of the Revised Statutes of the United States; and

A joint resolution (S. R. 123) to enable the commission having charge of the preparation and erection of the statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General Lafayette and his compatriots, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print the reports of the United States commissioners to the Centennial International Exhibition at Melbourne, 1888.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11627) to authorize the issuance of subpœnas for the attendance of witnesses before town-site trustees in Oklahoma; and

Joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified," to October 31, 1890.

ALIEN-LABOR CONTRACTS.

Mr. BLAIR. I desire to call up House bill 9632, which was passed over without prejudice yesterday, being the alien-labor-contract bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9632) to amend "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

Mr. PLUMB. I move an amendment, in section 5, line 14, page 5. After the word "actors" I move to insert the words "musical or other."

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. After the word "actors," in line 14, section 5, page 5, insert the words "musical or other;" so as to read:

Nor shall the provisions of this bill apply to professional actors, musical or other artists, lecturers, regularly ordained ministers of the gospel, etc.

Mr. COCKRELL. What will be the effect of that amendment?

Mr. PLUMB. It simply enumerates musical persons as artists, that is, provided they have attained that skill in their profession which entitles them to recognition as such elsewhere or in this country.

Mr. BLAIR. Artists in art or music?

Mr. PLUMB. Artists in the art of music.

Mr. BLAIR. Experts?

Mr. PLUMB. Experts; "musical or other artists."

Mr. DAWES. All artists are in the bill now?

Mr. PLUMB. Certainly, all artists are in the bill; and artists are permitted to come in now without reference to this bill; but the question has arisen under the present law under which the Treasury Department seems to hold that a musician can not be an artist.

Mr. DAWES. It is to cover that idea?

Mr. PLUMB. It is to cover that idea.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas. The amendment will be agreed to, if there be no objection. If there be no further amendment offered, the bill will be reported to the Senate.

Mr. CARLISLE. I did not know that the amendment proposed by the Senator from Kansas had been disposed of.

Mr. COCKRELL. It was not submitted to the Senate.

The VICE-PRESIDENT. The Chair announced that the amendment would be regarded as agreed to if there were no objection.

Mr. CARLISLE. I was waiting to offer an amendment myself.

Mr. BLAIR. I would rather the Senate would act upon that amendment. I do not know just how broad its scope might be.

Mr. HARRIS. Let the amendment be read again.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment of Mr. PLUMB.

Mr. PLUMB. There would certainly not be any reason for including actors in the ordinary sense of the term and excluding musical artists.

Mr. CARLISLE. The amendment is still pending, I understand. I rose to offer another amendment, and will do so when this one is disposed of.

Mr. BLAIR. I do not suppose that includes the very highest order of musical artists.

The VICE-PRESIDENT. The amendment will be considered as agreed to, if there be no objection.

Mr. BLAIR. But I wanted the Senate to act upon it.

Mr. CULLOM. I rose for the purpose of asking the Senator who reports this bill, the chairman of the Committee on Education and Labor, to explain the difference between the bill under consideration and the two or three several acts heretofore passed with reference to this subject; for instance, "the act prohibiting the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," approved February 26, 1885, and another one of the same general tenor, approved February 23, 1887; and there was still another one, I believe, after that. All of them seem to have for their purpose the prohibition of certain classes of people from coming to this country. What I desire is that the Senator should give a general explanation of the scope and purpose of this bill and the difference between it and the acts that have heretofore been passed.

Mr. BLAIR. Mr. President——

Mr. CARLISLE. Will the Senator from New Hampshire before he proceeds allow me to propose an amendment?

Mr. BLAIR. The pending amendment has not been disposed of.

Mr. CARLISLE. It has been agreed to, I understand.

Mr. HARRIS. It was announced as agreed to.

Mr. COCKRELL. While it has been so announced from the Chair, it has been the understanding of the Senate that the amendment was not agreed to and the Senator from New Hampshire has been upon the floor saying it was not agreed to.

The VICE-PRESIDENT. The Chair will put the question formally upon agreeing to the amendment. The question is upon agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. CARLISLE. I move to amend, in line 15, section 5, page 5, by inserting after the word "ordained" the words "or constituted" and by striking out the words "the gospel" and inserting the word "religion." The bill as it now stands reads "regularly ordained ministers of the gospel," and if passed in that shape would confine it alone to ministers of the christian religion and exclude Jewish rabbis and others.

Mr. COCKRELL. Why?

Mr. CARLISLE. Because they do not come in as ministers of the gospel.

The VICE-PRESIDENT. The amendment moved by the Senator from Kentucky will be reported.

The CHIEF CLERK. In section 5, line 15, after the word "ordained," insert "or constituted" and strike out the words "the gospel" and insert the word "religion;" so as to read:

Lecturers, regularly ordained or constituted ministers of religion, learned professors, etc.

Mr. COCKRELL. I should like to ask the Senator from Kentucky whether this amendment would exclude the ministers of the Chinese

religion, those who conduct joss services, or the Mormons, or the ministers of anything else called religion. It seems to me that the amendment of the Senator from Kentucky is entirely too broad; that a Chinese minister conducting the services in their temple, worshiping at the shrine of their joss, could come in under this provision, and also a Brahman, or a Mormon—and a great many Mormons are coming in now—and Mussulmans, or anything of the kind. I think the amendment is entirely too broad.

Mr. BLAIR. I expect that would be the effect of the amendment; but this is a free country, free in religion as in everything else.

Mr. CARLISLE. I suppose we do not propose to make a discrimination among the various religious beliefs. This simply permits them to come here. If they should be guilty of any action in violation of our law after they come, of course they would be punished as others. The Chinese are excluded now by law, not because they are ministers of religion, but simply because of their nativity and race.

Mr. PLATT. I do not think the Senator quite explains to the Senate (at least I do not quite catch it; there has been a good deal of confusion here) the difference between a minister of the gospel and a minister of religion. I wish he would do so.

Mr. CARLISLE. As I understand it, this provision would entirely exclude Jewish rabbis, because they are not ministers of the gospel, but they are ministers of religion. Of course there is a little difficulty in selecting the exact language which would include just what we want to include, but it occurred to me that that was the very best phrase we could use. The bill as it stands now would exclude ministers of every religion whatever except the christian religion. It is confined alone to ministers of the gospel, thus making a distinction between different religious beliefs, which I do not think we ought to make.

Mr. PLATT. If I may be permitted, having asked one question, to say another word, I do not think any one would desire to exclude Jewish rabbis, but there may be some persons who would come in under what might be called religion that it would be quite well for this country not to have included.

Mr. BLAIR. This bill does not undertake to exclude or to interfere with religion or religious belief at all. It is designed to prevent the introduction of alien contract labor. It seems to me that the amendment which the Senator from Kentucky suggests can hardly be objected to.

Mr. PLATT. I have no objection to it.

Mr. BLAIR. There is the Jewish religion and the Mohammedan religion, and there are other religions, all of which we tolerate, and I do not see how we can well undertake to interfere with the right of religious belief by enacting legislation to exclude those who may teach those beliefs.

Mr. CULLOM. I did not hear distinctly the amendment offered by the Senator from Kentucky. I certainly think the persons he named ought not to be excepted from the bill as a class.

The VICE-PRESIDENT. The amendment will be again stated.

The Chief Clerk read Mr. CARLISLE'S amendment.

Mr. CULLOM. I suppose that while the amendment would admit the class referred to by the Senator from Kentucky, it might also admit persons coming here intending to preach the Mormon religion as well. I do not know whether that would be a class that it would be desirable to have admitted into this country more than we have them now. However, what I desire to inquire is, of the Senator who reports and has charge of this bill, whether it enlarges or modifies the scope of the present law.

Mr. BLAIR. I have examined this bill in connection with the existing acts. It seems to be rather a combination or condensation of what is to be found in the others into a single act. In some respects it does not seem to me to be any more stringent, if as much so, as the existing law.

Mr. CULLOM. I feared it was less stringent. That is the reason why I made the inquiry.

Mr. BLAIR. In some respects; but it has been sent here with the impression that it was considerably more stringent at the points where difficulty has been found in the enforcement of the idea of the existing law, which is to actually keep out alien contract labor. The third section is substantially the same as the existing law so far as the master of a vessel is concerned, but in addition to the liability of punishment placed upon the master under the law, as it now is, his vessel itself is made liable to seizure, to be held, and he is subjected to penalty to a greater extent than under the existing law. There are one or two provisions with reference to the liability of the master not found in existing law, to which some objection has been made. The law as it now is holds the master responsible who shall knowingly bring within the United States, etc., any such labor the introduction of which is prohibited by the act generally, and it punishes the man who knowingly brings such labor in here——

The VICE-PRESIDENT (at 2 o'clock and 33 minutes p. m.). The hour for the consideration of bills on the Calendar has expired.

Mr. FRYE. About twenty minutes of that hour was taken up with a conference report.

The VICE-PRESIDENT. That has been taken out.

Mr. BLAIR. I think if there can be unanimous consent to go on with this bill for a few moments we may complete its consideration.

Mr. CULLOM. I hope that will be allowed. Let us get the bill passed while we are upon it. There does not seem to be a disposition to discuss it.

The VICE-PRESIDENT. Is there objection to the further consideration of the bill?

Mr. RANSOM. I will not object to it now, but unless it is finished very soon I may be obliged to object to it.

The VICE-PRESIDENT. The Chair hears no objection, and the consideration of the bill will be continued. The question is on agreeing to the amendment submitted by the Senator from Kentucky [Mr. CARLISLE].

Mr. HISCOCK. While the Senator from New Hampshire is referring to section 3 of this bill, I desire to call his attention to the language in lines 1 and 2.

Mr. BLAIR. That is a matter which I had alluded to. The Senator's colleague has an amendment which he proposes to offer.

Mr. HISCOCK. Which is satisfactory?

Mr. BLAIR. It is satisfactory that he should move it.

Mr. HISCOCK. I was not aware that my colleague had prepared an amendment.

Mr. COCKRELL. Has the amendment of the Senator from New York been offered?

Mr. BLAIR. It has not been offered.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kentucky [Mr. CARLISLE].

The amendment was agreed to.

Mr. PLUMB. I move to add after the word "artists," in line 14 of section 5, the word "musicians;" so as to read:

Musical or other artists, musicians, lecturers, etc.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 5, line 14, after the word "artists," insert the word "musicians;" so as to read:

Musical or other artists, musicians, lecturers, regularly ordained or constituted ministers of religion, etc.

Mr. PLUMB. Mr. President——

The VICE-PRESIDENT. The amendment will be considered as agreed to if there be no objection.

Mr. PLUMB. Very well; if there is no objection to it.

Mr. BLAIR. I object to that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. PLUMB. I wish to say in regard to the amendment that it seems to me this proviso is designed to exclude persons who are not engaged in manual labor from the terms of the exclusion contained in the preceding portion of the section. There are excepted professional actors, and I take it that that is done in order that there may be no interruption of the pleasures which grow out of performances of a theatrical and other character, and which are not bounded by the boundary lines of nations or anything of that sort, but which represent a calling that is common to all the world, and that all the world desire to enjoy and have the pleasure of seeing and hearing the people who bring new forms and styles of acting, etc., from foreign shores. If that is true, there is every reason in the world why artists should also be included in this exception; and that has been done; and it has seemed to me that for just the same reason musicians should be included.

Mr. HAWLEY. Will the Senator allow me to say that already we have put in professional singers? That might be held to exclude musicians.

Mr. PLUMB. I was just about to say in regard to that, and I have before me the law, that some years ago a law was passed in which I moved to insert this word, I think, but the Treasury Department seemed to stick in the bark and there was a good deal of trouble about it, and I was appealed to to know the view which I had in mind in making the motion to amend. We are in this same domain again. It does not touch upon the domain of manual labor. It is not competitive in the ordinary sense of the term. Our musicians go all over the world, and similarly we want other musicians to come here. It seems to me to be rather a narrow idea to exclude this class of people from coming into this country. The art of music is not only widely diffused, but it is the occasion of as much pleasure as any other art, not only to those who practice it, but to those who listen, and its profession and practice mark a high state of civilization.

Mr. FRYE. A large number of teachers of music from Germany are now in this country.

Mr. PLUMB. As the Senator from Maine prompts me, there are a large number of teachers here now from Germany.

Mr. BLAIR. They would come in under the amendment already made.

Mr. PLUMB. I hardly think so. The trouble is just this about it: As the bill already contains the word "artists" as a qualifying term, it might be held to exclude musicians. If the Senator from New Hampshire says that it does not exclude musicians, then there will be

no harm in putting them in by an actual term of inclusion, and if he does think it excludes them, I beg to differ with him, with all respect, in regard to the opinion expressed.

Mr. BLAIR. The idea of these exceptions is to allow those into the country whose skilled labor in art as well as in other occupations may be a source of instruction to our own people. There is a large class of people in our country who get their living by their practice of music, pursuing it as an avocation. There are at least 20,000 who are in an organized musical union, a union of the common average laborers in music, you may say. They are called musicians; they call themselves musicians; and the term which the Senator would now insert in the bill would bring the common, average, every-day musician of Europe with his low prices and his low rates of compensation directly in competition with the general American musician. It is the object of the bill to exclude those as well as others who come in competition with those who practice the art as an avocation of common life.

As the amendment which the Senator desired has been made, which does exclude all those who can give us special entertainments, who can give us instruction, who can afford a music to be imitated by our people at large, so that by the contact with them a general improvement in the art of music may come to our people at large, which amendment is entirely consonant with the spirit of the bill itself, I hope he will not press this other amendment, for it does bring the common street musician of Europe in direct competition with the musician of America, and it is a very large class.

Mr. COCKRELL. Would the Senator from New Hampshire deprive the American citizen of the hand-organ and monkey?

Mr. BLAIR. Oh, they get here as it is.

Mr. COCKRELL. I am astonished to learn that he would.

Mr. BLAIR. But the contracting to bring them here in masses to break down the common business of the American musician I object to; at least the bill objects to it; and if those who are engaged in the common work of life are to be protected against that sort of competition, if the miner is to be protected against it, with probably a hundred thousand people in this country who obtain their livelihood in this way, why ought they not to be protected against the contract musical labor of the Old World?

Mr. GRAY. I should like to ask the Senator whether there is to be any protection to the people who have to listen to this street music?

Mr. BLAIR. This bill will afford a great deal of it. It will prevent the wholesale competition from abroad, which is in the line of the Senator's thought. The bill ought not to be amended in such a way as to destroy it.

Mr. GRAY. The Senator from New Hampshire says he wants to protect the street music we already have. I should like to see the street music we already have improved, and I think the people who have to listen to it have a right not to be disbarred from the chance of having it improved.

Mr. BLAIR. I do not think the Senator could claim that it would be improved by bringing here by contract large masses more of the same style as the present, and an inferior style of it.

Mr. GIBSON. I suggest to the Senator while legislating on this subject that I chanced the other day to be in a city not far from Washington and when in conversation with the dean of the medical faculty of that city, an Italian was playing a hand-organ near by, and this professor told me there was a great trust in this country formed among the Italians and others who had hand-organs and monkeys.

Mr. FRYE. Is that on account of the tariff?

Mr. GIBSON. That is on account of the tariff which the Senator from New Hampshire proposes, and I think in order to break this trust in monkeys and hand-organs it would be well if we could apply a little free trade to this thing. I merely make the suggestion.

Mr. BLAIR. Mr. President, I am a high protectionist.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB]. The amendment will be considered as agreed to, if there be no objection.

Mr. BLAIR. I do not keep up with the Chair. I should like that the question be put.

The VICE-PRESIDENT. Senators in favor of the amendment will say "ay;" the contrary "no." [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. BLAIR. I should like to have the yeas and nays on that amendment.

Mr. HAWLEY. Now, let me say a word.

Mr. BLAIR. No; I shall not ask for the yeas and nays, because I wish the bill to get through. We can dispose of that in conference.

Mr. HAWLEY. Just let me say a word. The class of musicians the Senator refers to, the ordinary band players, will come over here without any contract and with the right to come. Such a man knows, if he is a good player on any one of the many instruments, that he will stand a fair chance in some one of the innumerable establishments to get employment, and there is no trouble about his coming at all. But I doubt very much whether under this clause Ole Bull could come over here under a contract to give a series of concerts.

Mr. BLAIR. Oh, he is a musical artist.

Mr. HAWLEY. But that is the question you have been arguing exactly.

Mr. BLAIR. Not at all. That amendment is made.

Mr. HAWLEY. Very well, I have got the Senator's point. Why, then, does he put in "professional singers?"

Mr. WOLCOTT. I will inform the Senator that Ole Bull is dead.

Mr. HAWLEY. The Senator is practical. He is dead, of course, but his successor, if there ever will be one, could not come in under that clause. Why use the words "professional singers?"

Mr. BLAIR. I think they are included in the words "musical artists." "Musical" was not before "artists" until the amendment already adopted.

Mr. HAWLEY. There is no word "musical" here.

Mr. BLAIR. Yes, it has been inserted by an amendment. The term "professional singers" was in the bill from the beginning and in the law from the beginning, I think.

Mr. PLUMB. I now move in section 5, line 16, to add after the word "singers:"

Nor to any organization of musicians or orchestras.

As I understand, organizations of musicians and orchestras come over with actors, not only in connection with the performances of a high grade, but they come over themselves for the purpose of forming an organization, and this is in the same line. It seems to me that none of us want, I am sure the Senator from New Hampshire does not want, the question who shall be admitted under this section to be strained in the custom-house in such a way that some person may be excluded on technical grounds whom we want to have come in. I am in entire sympathy with his view as to keeping out the people who come in competition with those persons in this country who perform manual labor; that is to say, that we shall prevent them from coming here by contract; but the Senator will see that this is an entirely different field. Those persons who come here to perform manual labor to be contracted for by the year, by the week, by the day, go to particular places where the exercise of their functions displaces other labor already engaged in the same line.

This is what Mr. Conkling would call "the upper air and solar walk of things." This is up in the domain in which the competition is of a different kind entirely. The pay for it comes from persons who are able to indulge in the luxury of it, whether poor or rich, and certainly these persons are as much entitled to come in as ordained ministers of the gospel, for I have no doubt the Senator would testify of his own knowledge that the ministers of the gospel in this country are the poorest paid of all the people who labor, and if ministers of the gospel from England, Germany, France, and all the world are to come in to compete with our two or three or four hundred dollar per annum preachers, I think it is straining the matter a great deal, and it would not put any more strain on it to let in these orchestras.

Mr. BLAIR. I hope the Senator will not treat the subject with such undue levity.

Mr. PLUMB. I do not mean to treat it with levity. I am just as serious as the Senator, although I do not look so serious. [Laughter.]

Mr. BLAIR. Mr. President——

Mr. PLUMB. I beg the Senator's pardon; I have moved the amendment with perfect seriousness. It seems to me to make the fifth section complete and to cover the very point spoken of a moment ago of putting a construction upon similar callings by a custom-house officer who was not in sympathy with this divine art of music or with those who practice it, and probably whose soul did not beat at all to the sounds of sweet music.

Mr. BLAIR. The Senator should be cautious. He is evidently verging upon a point where he is inclining to ridicule. If there is anything in the amendment which has already been adopted, the phrase "musical and other artists" covers all that the Senator claims to desire to cover by this last amendment, and unless the entire musical population of the Old World is to be let in free to compete with the average musician in this country, the amendment it seems to me ought not to be adopted. Of course the bands of Europe can be hired to come here and play at the head of our political processions for 25 or 50 per cent. of what an American band-player must have in order to live and support his family; and to the musicians it is really a pretty serious matter. I do not know whether there is any music in the State of Kansas, but I imagine that there is, and that the Senator will find that the musicians of Kansas would be opposed to an amendment of the kind he here proposes.

But, Mr. President, I do not wish to take time with this bill, and would like to have a vote.

Mr. COCKRELL. Mr. President, if this, instead of being entitled "An act to amend an act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," were entitled "An act of fraudulent pretenses," it would be nearer the truth than anything else.

Mr. President, let us glance at this question and take a common-sense view of it. On the 4th day of July, 1864, Congress enacted a law entitled "An act to encourage immigration," which is found in

volume 13, Statutes at Large, pages 385, 386, and 387. That law appropriated $25,000 to carry its provisions into effect, and authorized the appointment by the President of a commissioner of immigration with a twenty-five-hundred-dollar salary. Then section 2 provided—

That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated or on property otherwise acquired until liquidated by the emigrant.

And then in section 5 it was provided—

That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its Territories, or to any part thereof, or who shall receive any fee or reward, or the promise thereof.

Mr. CULLOM. What is the Senator reading from?

Mr. COCKRELL. I am reading from the statute itself. I have read from the statute of July 4, 1864, to show what that law was for. I have read this part of section 5 to show that it was not for the purpose of inducing immigrants to come and settle along the lines of the railways then being constructed to the Pacific Ocean and throughout the great West; it was not for the purpose of settling up the untilled lands of the United States, but it was to put employés in manufacturing establishments.

That continued to be the law until February 25, 1885. On the 25th day of February, 1885, there was enacted a law entitled "An act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia." The law of July 4, 1864, was made for the encouragement of the importation under contracts made in foreign countries of the servile labor of the world, to bring those laborers here and put them in the manufacturing establishments, and it offered a bounty upon them practically.

Mr. PLATT. Will the Senator allow me one word?

Mr. COCKRELL. Certainly, I will.

Mr. PLATT. If the Senator will examine the reports that were made in favor of that law, he will find that it was put upon the ground that so many people had been drained from the farms of the United States there were not enough left to cultivate the farms, and it was asked that foreign labor might be introduced in order that farms might be cultivated. If he will examine the reports——

Mr. COCKRELL. I have read every report that was made on that question, and I say to the Senator that he is mistaken. It was not placed upon the ground of bringing farm laborers here, but it was placed upon the ground of bringing laborers here for the manufacturing establishments. There was a prohibitory clause inserted in the law that no corporation, no railroad company that had any lands for sale should have anything to do with the officers of this company, one of whom got $2,500 a year, but the superintendent of a manufacturing company could be the president of this company and get $2,500 a year. There was no mistake in the object of the law. Take the reports that were made at the time, take the discussion, and it was for the express purpose of furnishing labor, cheap labor, in the manufacturing establishments of this country, and those laborers were brought there and they have been kept there ever since. No effort was made to prevent the importation of that kind of contract labor until the passage of the law of February 26, 1885.

I shall ask that this law—it is not very long—may be inserted in my remarks, that we may have a history of this question continuously.

Mr. BLAIR. I have no objection.

Mr. DAWES. Has the Senator got the report here that he will read from to show what the purpose of the law was?

Mr. COCKRELL. It shows upon the face what the purpose of the law was. A blind man can see it.

Mr. DAWES. I thought the Senator said he had the reports.

Mr. COCKRELL. I have them, bound up, but not at my desk. I can get them and bring them here.

Mr. DAWES. My memory would contradict the statement of the Senator from Missouri. I was in the House of Representatives when that act was passed, and my memory does not serve me precisely as the Senator's. I did not know but that he had the report here.

Mr. COCKRELL. I have all the reports, every one of them.

Mr. DAWES. I understood that the purpose of that law was to fill up and supply the dearth of labor, both on the farms and on railroads, especially those transcontinental railroads that were being built at that time. That was my memory, and I did not know but that the Senator might have the report, so that he could show which was right.

Mr. COCKRELL. I expected the Senator would bring in that very point, and I am exceedingly gratified that he has done so. Was it for the purpose of furnishing labor on the railroads?

Mr. DAWES. It was, as I said, for the purpose of supplying the dearth of labor on the farms and on the railroads, and on all the great works that were being carried on at that time, in the midst of war.

Mr. COCKRELL. No, Mr. President.

Mr. DAWES. That is the way I remember it.

Mr. COCKRELL. Let us read section 5 of the law and see what the Senator says to that—

That no person——

Mr. BLAIR. If the Senator will allow me, we were proceeding by indulgence under the five-minute rule. I hoped we might finish the bill.

Mr. COCKRELL. As the Senator has been taking up the morning here till nearly 3 o'clock, I supposed I should be allowed to have a few minutes. Otherwise I object to the bill, and it may go over under Rule IX.

Mr. BLAIR. The Senator asked that the law might be printed as a part of his remarks; and to that there was no objection. I certainly do not object to his proceeding under the five-minute rule.

Mr. WOLCOTT. I should like to ask if we are proceeding under the five-minute rule, and, if so, under what order?

Mr. COCKRELL. Nobody has ever heard it until the Senator from New Hampshire gets a little impatient and then brings down the five-minute rule. He spoke half a dozen times this morning in violation of the rule.

Mr. BLAIR. The Senator is quite mistaken.

Mr. WOLCOTT. I understand that this is Calendar business.

The PRESIDING OFFICER (Mr. GIBSON in the chair). The Senate is proceeding under the five-minute rule, subject to any objection from a Senator.

Mr. BLAIR. The bill came up in the morning hour under the five-minute rule. The morning hour expired and I asked the indulgence of the Senator having charge of the land-court bill, which is the unfinished business, that we might complete this. I supposed that we should proceed under the same rule. Of course what I am anxious for is to get the bill acted upon. The Senator from Missouri is quite mistaken in saying that I have occupied much time.

Mr. COCKRELL. The Senator spoke twice, at least, regularly.

Mr. BLAIR. I have answered several questions.

Mr. COCKRELL. He has spoken half a dozen times, and if he pleases he can stop the bill. We shall discuss it under the general rule or not at all. He can let it go on if he pleases. I am indifferent to it. I wanted to show that this thing was a mere pretense. It is not as good as the existing law. It is a relaxation of the law, trampling under foot the present restrictive law, and doing it in the name of the laborers of this country. It is a fraud upon them of the basest character, and I want to show it.

Mr. CULLOM. I wish to say that I had that fear from a glance at the bill, and I was desirous that it should be explained before it was passed, lest we might liberalize the statute and let the people in whom we do not want here.

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

Mr. COCKRELL. I understood that the Senator from New Hampshire objected to my speaking longer than five minutes, and thereupon I objected to the further consideration of the bill.

Mr. BLAIR. I did not object to the Senator's going on, but as we are proceeding under the five-minute rule I supposed he would be bound by it. I am perfectly willing that the Senator should go on. I do not raise the point.

Mr. RANSOM. I suggest that the Senator from Missouri be allowed to finish, and then I shall call up the land-court bill.

Mr. COCKRELL. Mr. President, I have read sections of the law of 1864 to show the true object of them, and I will read section 5 again for the Senator from Massachusetts:

That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its Territories, or to any part thereof.

Everybody connected with the settlement of land, the selling of land, the renting of land, the leasing of land, everybody connected with transportation along the lines necessarily of railroads was prohibited from having a hand in these matters as officers of the immigration company.

Mr. HAWLEY. Let me interrupt the Senator. Mr. President, I am decidedly of the belief that that was intended as a measure of protection to immigrants, so that the immigrant commissioners and their subordinates should not be the mere drummers of land agencies. I know that the immigration of those days was very largely stimulated by organizations in the Western States, by corporations formed out there with large bodies of land that they tried to fill up; I have never had any interest in it myself, but friends had a very large body of land in one of the Western States and they exerted themselves to fill that land with the best classes of people that they could from Norway and Sweden. They did not probably bring out one man for an Eastern manufacturer. The Senator is so bitter against the wicked and piratical class of people who manufacture anything in the United States that he sees mischief in everything.

Mr. COCKRELL. Mr. President, the Senator is entirely mistaken. He is the gentleman who has the prejudices, and not I. I am talking facts. Talk about bringing immigrants here to settle along the lines of

the railroads! What did this country behold after it granted $64,000,000 in bonds and hundreds of millions of acres of the public domain to the Pacific railroads that they might build a great transcontinental line? We beheld the officers of the Pacific railroad companies importing from China 5,000 Chinese laborers, and placing them along the line of those railroads to build them—Chinese laborers, who worked by the day at cheaper wages than American laborers or any European laborers who might be imported into this country would work, and who gathered up all their earnings and sent them back to their fatherland, and even when they died their remains were to be carried back and buried in China.

Talk now about the settlement of our Western lands and the construction of our railroads in the West by this system! Not a word of it, sir. Instead of those great railroads taking immigrants from Europe and building the roads and paying them in lands and settling them along the line as farmers and laborers so as to build up and develop that great Western country, they took the Chinese and shipped them from point to point, and to-day thousands and millions of acres of land along the side of those railroads are unoccupied, with not a solitary settler there.

Mr. President, I want to bring a little Republican testimony to bear on this point. I want to quote what the distinguished Senator from California, who now sleeps "the sleep that knows no waking," said in this Senate Chamber on the 28th day of February, 1882, the late General Miller:

> The average American manufacturer is interested generally in two things, namely, the highest protective tariff and the cheapest labor. * * * It is not difficult to perceive the origin of that political economy which suggests high protective tariff and at the same time advocates the admission of servile laborers into this country without limit. It means high prices for the products of manufacture and low prices for the labor which produces them; the aggrandizement of capital and the debasement of labor; greater wealth to the wealthy and greater poverty to the poor.

Now, I want to quote another distinguished Republican leader, who is now a member of the Finance Committee and whose clarion voice has been heard in this Senate Chamber in behalf of the protective system, pleading for it, as if it were possible for him to ignore his past and make the country believe that protection was the only thing that would benefit the laborers of the land. I now refer to the distinguished senior Senator from Nevada, Hon. JOHN P. JONES, and I quote from what he said in this Senate Chamber on the 9th day of March, 1882:

> I have noticed, Mr. President, that most of those who are in favor of the largest liberty being extended to the Chinese immigrant to this country are also in favor of a tariff—a tariff which has been urged as necessary to protect the American laborer from the degradation of competition with the pauper labor of Europe, as it is usually termed.

Oh, how sonorously these words sounded during the recent discussion of the tariff bill! The Senator from Nevada [Mr. JONES] further said:

> In reality, if we may judge of their motives by the action of the men who are now advocating a tariff, it was not the American laborer they wished to protect against the pauper labor of Europe; but it was the American capitalist, the lordly manufacturer, that they wished to protect against the free competition of the capitalist of Europe.

Does my distinguished friend from Connecticut hear this very grave language of his brother Republican Senator, JOHN P. JONES?

Mr. HAWLEY. I hear it, but I do not think it has anything to do with the business under consideration.

Mr. COCKRELL. That is the Senator's judgment.

Mr. HAWLEY. The Senator had his say on the tariff bill. If the Senator wants to open a regular war on the manufacturing interests, let us have the whole subject up, and appoint a day for it and go into it. I am ready for it, and I should like it; but we have a good deal of other business. We have discussed the tariff in the Senate.

Mr. COCKRELL. I am just as good a business Senator as the Senator from Connecticut, and do as much business in the Senate as the Senator from Connecticut does; but when the yoke begins to pull down on his neck he begins to squirm. Do not let him make that kind of appeal to me. We are discussing how these pauper laborers got into this country, who brought them here, and why the necessity of this legislation, and it is perfectly legitimate. I know it hurts——

Mr. HAWLEY. I wish to say, for the benefit of any stranger who may have come into the room, that I am not in the fashion of interrupting, and I do not care how much in a passion the Senator gets, and I do not care what he says against the manufacturers, and I do not care what he says anyhow.

Mr. COCKRELL. I have not said a word against the manufacturers, and yet the Senator is trying everlastingly, when any gentleman on this side speaks of a manufacturer, to turn around and snarl and say "Oh, you hate the manufacturers." Now, I am giving you a dose of Republicanism on manufacturers. You squirm, do you? I will read it again. Some other people have talked about manufacturers besides Democrats. JOHN P. JONES, the man you put forward as your champion here to defend the laborers of the country and protection, said:

> In reality, if we may judge of their motives by the action of the men who are now advocating a tariff, it was not the American laborer they wished to protect against the pauper labor of Europe, but it was the American capitalist, the lordly manufacturer, that they wished to protect against the free competition of the capitalist of Europe. Our capitalist manufacturer wanted a larger interest on his money than the capitalist of Europe was willing to accept, and he was given the benefit of a tariff.
>
> Let us see how that tariff works. It works in this wise, that everything that the capitalist manufacturer has to sell he sells in a protected market, he sells in a market in which foreign capitalists can not compete with him.
>
> How is it with what he has to buy? For the principal article he has to buy—to wit, the labor of men—he demands free trade in the broadest sense, not only free trade in bringing in laborers of our own race who can soon accommodate themselves to our conditions of life, but the bringing in a class of laborers who have been inured to poverty by thousands of years of training. The capitalist asks the broadest free trade for that, his own market in any event being protected.
>
> Now, how is it with the laborer? Everything he wants to buy he has to buy from his capitalist master in a protected market; everything he has to sell, to wit, his labor (and, unlike the capitalist, he can not hold it away from sale; unlike the capitalist, he can not wait for better times or travel here and there where he pleases to sell it, but he must sell it every day), he must sell in the openest market in the world. This is the theory in favor of the laborer that the gentleman [Mr. DAWES, of Massachusetts] propounds to us. We reject it, and by this bill propose to bar out this degrading, this shocking competition with our own people. And yet he tells us we are striking a blow at labor, that we are proposing to inflict injury on the laborers of our country.

That simply shows how those distinguished Senators at that time regarded this question. The idea that this bill is for the purpose of protecting American laborers in any branch is simply a mere pretext.

I have in my hand the act of February 23, 1887, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia." I also hold in my hand the general deficiency bill approved October 19, 1888, which contains two clauses amendatory of this law. These are the only laws which have been passed upon that question, and I shall ask that they may be printed in my remarks in consecutive order: first, the law of February 26, 1885, then the law of February 23, 1887, and then these two extracts on pages 2 and 3 of the law of October 19, 1888, and they will show the legislation and to what extent it has gone. Now I will read the first section of the law of February, 1885:

> That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Then section 2 provides that all these contracts shall be null and void, etc. We destroyed the law of July 4, 1864, which made valid and binding contracts made in foreign countries and made them enforceable in the courts of the United States just the same as if made within the territorial limits of our own country and made them liens upon the labor and products of labor of the employés.

This law is an extension of this. It is no stronger than this, and, notwithstanding the stringency of the law of February 26, 1885, the records of our country show that protected manufacturers have brought in contract laborers—not that you could prove that they had made a contract in writing, express, or even implied, but they have evaded the law and they are evading it to-day, and this bill will only enable them to evade it still more.

Mr. CULLOM. Will the Senator allow me to interrupt him a moment?

Mr. COCKRELL. Certainly.

Mr. CULLOM. In the line of his remarks I wish to say that I have information showing that persons on our Northern border come down across the line and work in the United States during the winters or during the months when they are not engaged at home, and when they get ready to go back they go back and take with them whatever they have earned on this side of the line.

Mr. COCKRELL. There is no doubt about that, and how is it done? A gentleman will go along among the class of people where laborers can be found and will tell some one, or have some friend to say to him, "If laborers go down to B. at a certain place I am pretty sure they can get wages and employment there." There is no contract. He does not offer them anything, and your law does not cover the case. The man comes down from Canada all along our border whenever he is idle in Canada and competes with American laborers, and your law does not touch him.

Mr. BLAIR. The Senator is quite mistaken about that. It is a violation of the law to encourage men to come.

Mr. COCKRELL. There is no encouragement—none in the world. They simply tell the truth. A man simply says, "Go to so and so, and labor will be furnished and pay will be given." There is no inducement about it. And Europe has been filled with these men tramping from place to place where laborers could be found, and telling them the same thing. The laborers come here; they land; they are not under a contract; there is no agreement, express or implied; they want to go to a certain locality in the United States. Well, any man raised in Europe would be glad to find out different localities; but they go to that locality, and it happens to be exactly where some persons want to employ labor. They go to the coal mines, or they go to some establishment where large numbers of hands are employed, just after a strike, or just preceding a reduction of wages. There they are. You can not prove any contract, express or implied, or anything of the kind. Your law does not cover such a case; and this is a mere subterfuge; it is a

mere pretense that you are trying to prevent the importation of laborers here to compete with the laboring citizens of the United States in the different industries of our country. It is doing no such thing. It is relaxing the law.

Mr. WOLCOTT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. WOLCOTT. What method of prevention would the Senator suggest?

Mr. COCKRELL. If I were drawing a law, I should make it a great deal more rigid than this.

Mr. WOLCOTT. Some of us would be very glad if it were possible to make it more stringent, and if the Senator will suggest some way whereby it can be more completely covered, I shall be obliged to him.

Mr. COCKRELL. Permit me to say that you would not vote for it.

Mr. WOLCOTT. The Senator is mistaken. I would.

Mr. COCKRELL. I would prohibit the employment of any of these men in any employment that receives aid and protection from the Government of the United States. You will not vote for that.

Mr. HOAR. What men?

Mr. COCKRELL. These imported contract laborers, these laborers brought from foreign countries as they would be brought here to establish your tin-plate industry.

Mr. HOAR. Do I understand the Senator to say he would be in favor of a law that would prohibit any person of foreign birth that comes to this country from getting work?

Mr. COCKRELL. Not at all.

Mr. HOAR. That seems to be the argument.

Mr. COCKRLEL. Not at all. The Senator has now disclosed this. He understands how they get laborers here in the manufacturing establishments. That discloses it. Oh, no, you are not going to exclude foreigners; not at all! They come here to work and become citizens. Oh, yes, and they go right to your manufacturing establishments where there is a strike or a reduction of wages.

Mr. BLAIR. I should like to interrupt the Senator long enough to say that this bill provides expressly for the return of these people when such things are discovered.

Mr. COCKRELL. Oh, that is where there is a contract, express or implied. You can not read it that way and you know it. That is a mere subterfuge. This is a mere false pretense held out to make the laborers believe that you are protecting them at the same time that you are protecting what Senator JONES calls the capitalist manufacturers, the lordly manufacturers, as the distinguished Senator calls the protected manufacturers. It is nothing but a sham, a fraud, and a pretense.

Mr. President, I ask that all these laws may be inserted in the RECORD so that we shall see the whole list in consecutive order.

Mr. BLAIR. Mr. President, I ask that the pending bill may be printed in the RECORD as an absolute denial and contradiction of every sensible assertion the Senator has made.

Mr. PLATT. When the Senator from Missouri first commenced——

Mr. RANSOM. Having permitted the Senator from Missouri to go on, I shall permit the Senator from Connecticut to reply to him.

Mr. BLAIR. Mr. President——

Mr. PLATT. I just want a moment.

Mr. BLAIR. I shall ask that the bill go over myself, but I shall ask that it displace the unfinished business very soon unless that is disposed of, because I can not trifle with the slight remainder of the session, for it is necessary to get some action upon some bill on this subject.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. PLATT. Mr. President, when the Senator from Missouri first commenced his remarkable speech, in which he seemed to be tormented by the vision of the manufacturers pursuing him, he said that the law of 1864 was passed for the purpose of getting immigrants at work in the factories; and having on some former occasion read the report which accompanied the passage of that bill I remarked to the Senator that if he would read that report he would find that it was put very largely upon the necessity of having people to settle up our lands and work our farms. I thought I was not mistaken about it. So I sent for the report, and I want to read one extract from it, the report made by the Senator from Ohio [Mr. SHERMAN], from the Committee on Agriculture. It says:

The increase in the inhabitants of the great Middle States has been at the rate of 25 per cent. during the last decade, while that of the northwestern group has been 100 per cent. It is to the less populous States and to the Territories that the influx of immigrants can be best directed, alike as regards their own welfare and prosperity and the benefits they will confer on the nation.

Well, it is not the less populous States and Territories in which manufactories are situated. It goes on:

The growth of these States represents the reclamation of new lands from the waste forests and prairies, to be a possession for civilized man forever. It indicates the development of mining, agricultural, and pastoral wealth out of the natural riches provided for the use and enjoyment of man, but yet chiefly unappropriated. The increase in the population of these States is directly due, in a great degree, to the settlement of immigrants; and the whole population of Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, and Kansas, added together, exceeds only by one-tenth the number of foreign passengers to this country since 1819, to say nothing of their increase by the ordinary laws of population.

The advantages of foreign immigration, as between the United States and the people of European countries, are mutual and reciprocal. If our prairies and mineral lands offer inducements to the immigrant and promise him requital for the pangs of severed family ties and separation from the scenes of his early childhood, he, in his turn, contributes to the development of the resources of our country and adds to our material wealth. Such is the labor performed by the thrifty immigrant that he can not enrich himself without contributing his full quota to the increase of the intrinsic greatness of the United States. This is equally true whether he work at mining, farming, or as a day laborer on one of our railroads.

The PRESIDING OFFICER. The Chair desires to understand what the matter was that was desired by the Senator from Missouri [Mr. COCKRELL] to be inserted in the RECORD.

Mr. COCKRELL. The law of February 26, 1885, followed by the law of February 23, 1887, and two sections of the deficiency bill of October 19, 1888.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that these matters be inserted in the RECORD as part of his remarks? The Chair hears none.

The laws referred to are as follows:

[PUBLIC—No. 52.]

An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, expressed or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by knowingly assenting, encouraging or soliciting the migration or importation of any aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or personal friend, to migrate from any foreign country to the United States, for the purpose of settlement here.

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Approved February 26, 1885.

[Public—No. 77.]

An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February 26, 1885, and to provide for the enforcement thereof, be amended by adding the following:

"SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if in any such examination

there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

"SEC. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with the law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

"SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section, and shall be entitled to reasonable compensation therefor to be fixed by regulation prescribed by the Secretary of the Treasury. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came. And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. That the necessary expense in the execution of this act for the present fiscal year shall be paid out of any money in the Treasury not otherwise appropriated.

"SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

"SEC. 10. That this act shall take effect at the expiration of thirty days after its passage."

Approved February 23, 1887.

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[Public—No. 327.]

An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

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TREASURY DEPARTMENT.

That the act approved February 23, 1887, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

That the act approved February 26, 1885, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to pay to an informer who furnishes original information that the law has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per cent., where it appears that the recovery was had in consequence of the information thus furnished.

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Approved October 19, 1888.

The PRESIDING OFFICER. The Chair would like to understand what the Senator from New Hampshire desired to have inserted in the RECORD.

Mr. BLAIR. I ask to have inserted at the point where I made the request, before the remarks of the Senator from Connecticut, the bill which is pending before the Senate (H. R. 9632); also, printed in connection with it the memorial of the Federation of Labor of this city, signed Paul T. Bowen, H. J. Schulteis, and also a brief statement presented by Mr. Charles H. Cramp.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. SHERMAN. I wish, before the insertion of this voluminous matter in the RECORD, simply to say that the act of 1864 was passed, as we all know, as a matter of course, in the midst of the civil war, when there was a demand for labor in every department of industry, in all species of manufacturing, mining, on the farm, and everywhere else before the great inventions of modern times had revolutionized the process of farming and manufacturing. I wish to say that when that bill was introduced and passed it was voted for, if I remember correctly, by every member of the Senate, Democrat and Republican alike.

It was based upon the condition of things as it then existed. Senators will remember that at that time the North and the South were in a fierce and desperate struggle for what they believed to be on their respective sides the justice of their cause. The whole country was denuded of labor. Nearly all the laboring men of our country, North and South, entered the army on one side and the other; and that bill which has been commented upon and drawn into debate here several times in the progress of the last five or ten years as a matter of reproach against the framers of the bill, against those who supported it, was not only supported by every one, but sanctioned by public opinion throughout the United States.

If it contributed in any respect to supply the want of labor in that period of adversity, it did great good. I have no doubt the immigration invited under the provisions of that bill probably aided us to recover from the very grave and serious depression of industry from which the country was then suffering. That is all I wish to say. I should like to have that date marked as the explanation of the whole merit of the bill.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from New Hampshire [Mr. BLAIR] to print in the RECORD the papers referred to by him, and it will be so ordered.

The matter to be inserted is as follows:

An act (H. R. 9632) to amend "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act it shall be unlawful for any person, persons, or corporation, in any manner or way whatsoever, to aid, assist, or encourage the importation or immigration of any alien into the United States under contract or agreement, parol or special, express or implied, made previous to such alien becoming a resident of the United States, to perform labor or service of any kind in the United States; any such contract shall be utterly void and of no effect; and it shall be unlawful for any alien to enter the United States under any such contract.

SEC. 2. That any person, persons, or corporation entering into a contract prohibited by section 1 of this act with any alien, or who shall knowingly assist, encourage, or solicit the importation or immigration of an alien into the United States, to perform labor or service of any kind under contract or agreement, parol or special, express or implied, with such alien, made previous to his becoming a resident of the United States, shall be fined in a sum not exceeding $1,000, or imprisoned for a period not exceeding six months, or both, at the discretion of the court. The proceeds of fines collected under this act shall be paid into the Treasury of the United States. And in addition to the above penalties, any person, including the alien party to said contract, may institute a suit in the proper circuit court of the United States, in the name of the United States, against the person, persons, or corporation entering into the prohibited contract, and shall have the right to recover the sum of $1,000 for each alien imported into the United States in pursuance of such contract. A separate suit may be brought for each alien included in such contract; and it shall be the duty of the district attorney of the proper district to appear and prosecute such suit at the expense of the United States. And it is further provided that no fine, penalty, or judgment recovered by the United States under the provisions of the act to which this act is an amendment, or which may hereafter be recovered by the United States under this act, or the act to which this act is amendatory, shall by any officer or agent of the United States be compromised for any sum of money less than the amount of money claimed or recovered for the violation thereof.

SEC. 3. That the master of any vessel who shall (knowingly) bring within the United States, on any vessel, or who shall land or permit to be landed from his vessel, from any foreign port or place, any alien laborer, mechanic, or artisan, who, previous to embarking on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not more than $500 for each and every such alien laborer, mechanic, or artisan so brought or landed as aforesaid, and may also be imprisoned for a term not exceeding six months, and shall return such alien to the port at which he embarked; and the above fine shall be a lien upon such vessel; and such vessel shall not have clearance from any port of the United States until such fine is paid. (The fact of such bringing or landing shall be *prima facie* evidence of such knowledge.)

SEC. 4. That it shall not be lawful for any person, persons, or corporation to encourage any alien laborer, mechanic, or artisan to migrate from any foreign country to the United States, by promise of employment, through advertisement or otherwise, and any such alien who shall thus be encouraged to immigrate to the United States, or who shall be a party to a contract prohibited by section 1 of this act, shall not be permitted to remain, but shall be returned to the port from whence he sailed; and the expense incurred by the United States in the enforcement of this section may be collected from the person, persons, or corporation who has thus encouraged the immigration of the alien, by suit in the proper United States circuit court; and all such encouragement of immigration by promise of employment, through advertisement or otherwise, shall be construed as a violation of section 1 of this act, and shall subject any person, persons, or corporation so encouraging the immigration to the penalties provided in section 2 of this act.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, in any private or official capacity, from engaging, under contract or otherwise, persons not residents of the United States to act as private secretary or household domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person, persons, or corporation from engaging, under contract or otherwise, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be obtained in the United States; nor shall the provisions of this act apply to professional actors, artists, lecturers, regularly ordained ministers of the gospel, learned professors for colleges and seminaries, or professional singers; nor to persons employed strictly as household domestics or servants traveling in the United States with their employers: *Provided also*, That nothing in this act shall be so construed as to prohibit any individual from assisting, by donations of money, any member of his family, or any relative, to migrate from any foreign country to the United States for the purpose of permanent residence in the United States.

SEC. 6. That any person arriving in this country on any vessel may be interrogated, under oath, to ascertain whether he is embraced within any of the provisions of this act; and any officer appointed by the Secretary of the Treasury to aid in the enforcement of this act, or of the act referred to in the title of this act, or any act amendatory thereof, shall have the power to administer oaths and to examine on oath any person supposed to be engaged in a violation of this act, or any of the acts above referred to, or any witness produced; and any false statement willfully made by such person or witness in the course of his examination is hereby declared to be perjury and shall subject the person guilty thereof to all the pains and penalties of perjury prescribed by law. The Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have the power to establish such rules and regulations and issue from time to time such instructions not inconsistent with law as he shall deem best calculated to enforce the provisions of this act, and shall have the power to withhold entry and clearance from any vessel used in violating the provisions of this act, or either of the acts in this section referred to, or the master of which refuses obedience to the provisions of said act; and when it shall be determined that any person arriving on any vessel within the jurisdiction of the United States in violation of the provisions of this act, and when a return of such person to the country from whence he came has been ordered, it shall be the duty of the master of the vessel on which such person was imported at the demand of the Secretary of the Treasury, or other proper officer, to detain said person on board said vessel and transport said person to the country from whence he came at the expense of said vessel.

SEC. 7. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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FEDERATION OF LABOR, *Washington, D. C., September 15, 1890.*

*To the United States Senate:*

The following bills have passed the House of Representatives and are now pending in the Senate:

H. R. 3286, to prevent the use of the product of convict labor by the Government;

H. R. 3928, to prevent the employment of convict labor on public buildings;
H. R. 9632, to amend the act to prohibit the importation of foreign labor under contract;
H. R. 11120, to adjust the accounts of laborers, etc., arising under the eight-hour law; and
H. R. 9791, constituting eight hours a day's work for laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, etc.

CONVICT LABOR.

The general purpose of the bills H. R. 3286 and 3928 is to prevent the competition of convict labor with free and honest labor. Experience has shown the evils of such competition, and in the various States where it has been presented to the people as an issue the verdict has always been against such competition. The enactment of these laws will place the National Government in line with the most progressive State governments, and, while enlarging the field of honest and free labor, relieve the convict from the barbarities of contract slavery, which too often disgrace our penal administrations.

IMPORTED CONTRACT LABOR.

The policy upon which the bill H. R. 9632 is based is already recognized in the enactments of Congress. It has been discussed amply, so we need add no arguments in its support. Existing law has been found inadequate to suppress the evils of the importations of labor under contract, and this bill is designed to remedy the defects of the old law. It is needless to say that it is the only measure that directly and plainly protects American labor from competition with foreign laborers, by excluding a part of the latter who would come to this country to work. If there is anything in the policy of "protection," a measure like this should stand at the head and not at the rear of the legislation on the subject, and the law should not be made ridiculous by the prosecution of importers of high-priced preachers and professors, while its real violators are ignored or lightly prosecuted and allowed to compromise suits for nominal sums. We bespeak not only the passage of this law, but an earnest and sincere administration of it.

ADJUSTMENT OF EIGHT-HOUR ACCOUNTS.

The bill H. R. 11120 comes to the Senate as an evidence that the eight-hour law of 1868 has been ignored, obstructed, and violated by hostile administrative officers. The intent of the law was that the usual or normal day's pay should be given for eight hours' work; but employés of the Government were repeatedly told that they must accept a reduction of pay, or work ten hours, or leave the Government service. The question is whether they shall have what the law intended—a full day's pay for eight hours' work—with additional compensation for extra labor exacted by Government officials in violation of law.

Assuming that the Senate will give them that, we call attention to the last proviso in the bill, lines 47 to 50, page 4. The bill may as well be ignored or defeated as to be passed with that proviso. We know by experience what to expect from antiquated judges seeking laboriously to discover "implied contracts" to bar claims growing out of the violation of the eight-hour law. The presumption that men who are entitled to a day's pay for eight hours' service voluntarily gave the Government two hours more work every day "for the fun of it," seems irresistible to many judges, but it is pure poppycock to workingmen not learned in the law.

If these just claims are to be paid it will be necessary to strike out the proviso on page 4 of the printed bill. We therefore urge the passage of this bill as reported to the Senate from the Committee on Education and Labor.

THE EIGHT-HOUR LAW.

The eight-hour law of 1868 was passed because, in the opinion of the working people and the Congress that enacted it, the time had come when our productive agencies enabled a worker to produce as much in eight hours as formerly in ten or twelve hours. It was believed that considerations of physical and mental welfare demanded a reduction of the hours of labor. It was seen that such a reduction was needed to give employment to those whose labor would otherwise be supplanted by machinery. It was hoped that the action of the Government would prompt private employers to adopt the same rule, and that a public eight-hour day would incite all workers to successful efforts to establish a similar work-day in private employment.

These good results have not been realized, because:

First. Administrative officers and Federal courts have held that the law gave no right to a full day's pay for eight hours' work; that it permitted employés to "contract" to work as many hours as were demanded for as little pay as was offered; and that Government officers could exact such length of service as they pleased, and "permit" employés to work as long as they liked.

Second. Administrative officers have, in nearly all cases where possible, placed public work in the hands of contractors, whose relation with their workmen was regarded as a private and not a public one.

It follows that an eight-hour law is needed which can neither be violated nor evaded with impunity by executive officers or their agents, and which will provide in substance:

1. That eight hours shall be as much as any individual shall be employed per day.

2. That for eight hours' work the Government shall pay at least the rate of wages paid per day for similar labor in the vicinity where the labor is performed.

3. That Government contractors are Government agents; that their employés are employed by and on behalf of the Government, and that contracts shall stipulate for the employment and payment of laborers and mechanics in accordance with the eight-hour law.

4. That appropriate penalties shall be inflicted for violation of the law.

The bill H. R. 9791 will do all this when it shall have been passed with the amendments herein suggested.

In line 7, section 1, after the word "Columbia," insert the words "and no officer of the Government of the United States or the District of Columbia shall require or permit any laborer, workman, or mechanic to work more than eight hours per calendar day." This is necessary, because, though the bill defines a day's work, and in section 2 prohibits contractors from requiring more, it nowhere, except by inference, forbids Government officers from requiring or permitting men to work more than eight hours. This prohibition must not be left to inference, for it will never be inferred by our courts and administrative officers, as past experience has demonstrated.

In line 15, section 1, after the word "wages," insert the words "for similar services."

Strike out all after the word "subcontractors" in line 27, section 1, to the end of the section. These words were not in the bill as reported to the House from the Committee on Labor, and ought to be stricken out because they conflict with and nullify the latter clause of the second proviso of section 1. The Government should be held responsible for the acts of its agents, including contractors, to the same extent that private citizens are held responsible for the acts of their agents.

In line 4, section 2, after the word "work," insert the words "shall be," to complete the grammatical construction.

In line 7, section 2, after the word "require," insert the words "or permit."

The words "or permit" are vital to the purpose of the law. The present eight-hour law is extensively violated because workmen are employed over time. It is true that now, as a rule, they receive a day's pay for each eight hours, and, by making extra time, make extra pay. But we protest particularly against this practice. The eight-hour law is meant to get a time advantage and not a money advantage for workmen. When a man has worked eight hours and earned a day's pay we want him to quit for his own physical and mental good, and also to make room for some other worker to earn his living. It will no doubt be conceded that it would be more in accordance with the principles of justice and equity to employ six hundred persons at $4 per day of eight hours than to employ four hundred at $6 per day of twelve hours, especially when two hundred persons are thereby deprived of the opportunity to labor at all.

Among all the ways of violating the spirit of the eight-hour law there is none we detest so much as the "permitting" of favored Government employés to grab all the work and all the pay. If that is all the law is to accomplish it would better be repealed. If any man wants to work ten, twelve, or fourteen hours so badly that he seeks and obtains "permission," let him do it for a regular day's pay. When there is no extra pay (except in the cases of "extraordinary emergency" named in the bill) for overtime there will be no "permission" violators of the eight-hour law.

Of course the rule that applies to Government officers should apply to Government contractors, as section 2 contemplates. But in the original bill the words "or permit" followed the word "require," in line 7, section 2, and were stricken out. They must have been stricken out to enable contractors to "permit" men to work more than eight hours. It must have been contemplated that contractors would want to "permit" men to work ten or more hours per day or the amendment would have no purpose. If a contractor is allowed to permit men to work as long as they please for any wages he pleases, it may be safely predicted that no one will be employed by contractors except those who seek permission to work more than eight hours. The force of the whole section rests on the two words "or permit," and we sincerely hope the Senate will restore them, and that the House of Representatives will concur in such action.

In reply to the charge that this section (2) infringes the rights of citizens (contractors and laborers), we contend that they have no rights in this respect except such as grow out of a contract with the United States. To its contracts the Government can add any conditions it may choose, and the full and complete freedom of the citizen is secured by his right to accept the contract with those conditions or let it alone.

So, too, with workmen. The Government, through its administrative officers or its agents (the contractors), for reasons of public policy, offers employment upon the condition that a full day's wages will be paid for eight hours' work, but that no overtime can be made and no extra pay can be earned. In this case every one is free to accept or reject such employment, and the freedom of the working people is in no way limited. There need be no misgivings that the Government or its contractors will lack willing workers because they are not permitted to work ten hours a day when they are guarantied a day's pay for eight hours.

The time when the Government might have taken the lead in the movement for a reduction of the hours of labor to eight hours per day has long since passed, for, without the help of any law, and with very little encouragement from any source outside their own ranks, many trades and individuals have achieved an eight-hour day. Others will do so, and the rule will become universal, as now nearly all admit and hope. But the effort, expense, and strife incidental to the development of an eight-hour day are sore burdens to those who bear them, and, on the principle of "better late than never," the Government can give the movement a great impetus, and make the transition much easier than it will otherwise be, by the passage of House bill 9791, which, with the amendments suggested, will, we believe, compel officers and agents of the Government to enforce the law of 1868 in accordance with its true spirit and intent, and confer upon the country and the working people the benefits sought from such legislation.

In conclusion, we earnestly urge the Senate to pass the five bills herein specified, with amendments as stated, at the present session.

In our opinion, the passage of these bills by Congress, and their honest enforcement by the Executive Departments of the Government, will be fully appreciated by the wage-workers of the United States.

By direction of the Federation of Labor.

PAUL T. BOWEN,
H. J. SCHULTEIS,
E. W. OYSTER,
*Committee.*

At a regular meeting of the Federation, held this date, the above memorial was unanimously indorsed.

[SEAL.]

JOS. K. PATTEN,
*Secretary Federation of Labor.*

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Hon. H. W. BLAIR:

It will be practically impossible under the conditions of the bill (H. R. 9791) for ship-builders to avail themselves of the privilege of building Government vessels.

The bill prevents employers from contracting with their employés for compensation or for quantity of work done, and it destroys all well-defined methods resulting from years of experience for carrying on their work, and substitutes none in their places.

It will be impossible for officers of the Government to ascertain and satisfy themselves that the provisions of the act have been violated, as matters that enter into the construction of a modern man-of-war are so numerous and various in character that they can not be followed up to their sources.

It is certain also that Government and private building can not go on in the same establishment at the same time, while for private work where there is freedom and unrestricted liberty to make such arrangements between employer and employed as they deem best suited to their interests and profession, and where for Government work iron-clad and adverse laws with severe punishment is the rule.

It would be well for the Senate to avail themselves of the discussions of the Trade Union Congress, Hope Hall, Liverpool, whose week's sittings concluded on September 6 of this month.

The eight-hour question was the principal subject engaging their attention.

The representatives of those unions, composed of skilled artisans, such as the amalgamated engineers, cotton spinners, and others, were opposed to Parliamentary interference with personal rights and to measures tending to pauperize skilled industries.

That great representative of the people and level-headed statesman Mr. Bradlaugh was one of the many who took strong grounds against the efforts to establish by Parliament a parental care over any class of the citizens of Great Britain, and has attacked the scheme of Parliamentary rates for wages and time for work.

No harm can come from investigating this subject, and all the facts bearing on the case should be ascertained by the Senate before finally settling this great question.

In fact, there should be an amendment to the bill, if it must pass so soon, providing for the appropriation of —— millions to purchase the various ship-building and other establishments destroyed in consequence of the passage of this bill.

CHAS. H. CRAMP.

Mr. RANSOM. I ask that the Senate proceed to the consideration of unfinished business.

The PRESIDING OFFICER. The bill which has been under consideration will be returned to the Calendar, retaining its place.

Mr. BLAIR. Without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts and joint resolutions:

An act (S. 745) for the relief of Henry G. Healy;

An act (S. 750) for the relief of Christian Fredericksen;

An act (S. 897) to establish a port of delivery at Sioux City, Iowa;

An act (S. 2835) to amend an act approved March 3, 1887, entitled "An act to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown;"

An act (S. 2553) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge;

An act (S. 3089) to authorize the Secretary of the Interior to survey and mark the seventh standard parallel between the States of North and South Dakota;

An act (S. 3130) to correct the military record of William Smith, of Tennessee;

An act (S. 3843) to provide for the establishment of a port of delivery at Rock Island, Ill.;

Joint resolution (S. R. 6) granting permission to officers and enlisted men of the Army and Navy of the United States to wear the badges adopted by military societies of men who served in the war of the Revolution, the war of 1812, the Mexican war, and the war of the rebellion;

Joint resolution (S. R. 102) to print the annual reports of the Bureau of Animal Industry for the years 1889 and 1890; and

Joint resolution (S. R. 109) providing for the printing of the Agricultural Report for 1890.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 20) granting right of way across United States lands in St. Augustine, Fla.;

An act (S. 1872) to restore telegraphic communication between Tatoosh Island and Port Angeles, Wash.;

An act (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island;

An act (S. 4278) authorizing the construction of a bridge over the Tennessee River at or near Knoxville, Tenn.;

An act (S. 4280) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia; and

An act (S. 4581) to authorize the construction of a bridge across the Oconee River, in the State of Georgia.

HOUR OF MEETING TO-MORROW.

Mr. STEWART. I move that when the Senate adjourn to-day it adjourn to meet at 12 o'clock to-morrow

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7666) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS, of Ohio, Mr. KINSEY, and Mr. LANHAM managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 5067) for the relief of Archibald Hunley, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OSBORNE, Mr. LANSING, and Mr. LANHAM managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 3716) to provide for the examination of certain officers of the Army, and to regulate promotions therein, disagreed to by the Senate, agreed to a conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUTCHEON, Mr. OSBORNE, and Mr. WHEELER, of Alabama, managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS, of Ohio, Mr. KINSEY, and Mr. WHEELER, of Alabama, managers at the conference on the part of the House.

The message further announced that the House had passed the following bills:

A bill (S. 473) for the relief of the Portland Company, of Portland, Me.;

A bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas;

A bill (S. 1187) for the relief of the Washington Iron-Works;

A bill (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions;

A bill (S. 3830) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming;

A bill (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883;

A bill (S. 4064) for the relief of William J. Martin;

A bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.;

A bill (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases; and

A bill (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River.

UNITED STATES LAND COURT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. WOLCOTT], which will be stated.

The SECRETARY. In section 13, page 18, strike out the seventh subdivision and insert in lieu thereof:

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity of land than was originally granted by the Government under which the claim had inception, or for any greater quantity of land than was legally granted by such Government when the same was made.

Mr. PASCO. Mr. President, the bill before the Senate has been attacked with great vigor and severity, and perhaps I may add bitterness. The Senator from Colorado has said with reference to it that its passage would be a disgrace.

The bill as it stands is utterly unjust and unfair and indefensible. It is a bill which is asked for by nobody who has valid interests in the grants from Mexico, and a bill which is desired by no good citizen who wishes that this should fulfill its obligations.

He said further with reference to it:

The bill proposes to tear up and destroy these titles which have never been questioned and to authorize this Government to seize and to steal all these valid grants exceeding 11 square leagues.

Also:

Such a course is iniquitous, and under no pretense of right or justice can it be in my opinion sustained.

It is because of this attack upon the bill that I feel impelled to take a part in the discussion in order that I may bear my full share of responsibility as a member of the committee which reported the bill.

The contention upon which the opposition to the bill rests is mainly with reference to the status of what are known as perfect claims. It is argued that all claims and grants originating during the Spanish and Mexican occupation of the States and Territories where this bill is to be operative will be forever barred unless since the cession to the United States they have been confirmed by Congress or finally decided upon by other lawful authority. An examination of the bill, as already stated by the Senator from North Carolina [Mr. RANSOM] and by the Senator from Nevada [Mr. STEWART], will show that it provides for no action with reference to titles and grants which were perfect at the time of the cession. Such titles need no aid. They stand confirmed by the terms of the treaty.

Yesterday while the Senator from Alabama [Mr. MORGAN] was upon the floor I referred to the case of the United States *vs.* Wiggins, in 13 Peters, on page 350. In that case, which arose under a Spanish grant, the distinction is drawn between a perfect title and an incomplete title. The court says with reference to the former:

That the perfect titles made by Spain before the 24th of January, 1818, within the ceded territory, are intrinsically valid, and exempt from the provisions of the eighth article, is the established doctrine of this court, and that they need no sanction from the legislative or judicial departments of this country.

In speaking of the other classes of claims it says:

But that there were at the date of the treaty very many claims whose validity depended upon the performance of conditions, in consideration of which the concessions had been made, and which must have been performed before Spain was bound to perfect the titles, is a fact rendered prominently notorious by the legislation of Congress and the litigation in the courts of this country for now nearly twenty years. To this class of cases the eighth article was intended to apply; and the United States were bound, after the cession of the country, to the same extent that Spain had been bound before the ratification of the treaty, to perfect them by legislation and adjudication; and to this end the Government has provided that it may be sued by the claimants in its own courts, where the claims shall be adjudged, and the equities of the claimants determined and settled according to the law of nations, the stipulations of the treaty, and the

proceedings under the same, and the laws and ordinances of the government from which the claims are alleged to have been derived.

These are the rules of decision prescribed to the courts by Congress in the act of 1824, chapter 173, section 2, passed to settle the titles of Missouri and Arkansas, and made applicable to Florida by the act of 1828, chapter 70, section 6. By the sixth section of the act of 1824 the claimant who has a decree in his favor is entitled to a patent from the United States, by which means his equitable claim draws to it the estate in fee. These are the imperfect claims to which the eighth article of the treaty with Spain refers.

Under statutes which were passed with reference to the settlement of these claims both the holders of the perfect and the imperfect claims were required first to go before the commissioners and afterwards before the courts for the settlement and adjudication of those claims. It was decided in another case, which I have here, that even the action of the commissioners upon perfect claims, when it was unfavorable, did not prevent the courts afterwards from deciding differently and from declaring that they were perfect claims and that the titles were good. The case to which I refer is The United States *vs.* Percheman; it is found in 7 Peters, page 51. It was a case argued with great ability. Attorney-General Taney was upon one side, who afterwards became Chief-Justice of the United States, and Colonel White, who at that time or about that time represented the then Territory of Florida as a Delegate, were the counsel before the court, and the opinion was rendered by Chief-Justice Marshall.

In this case the parties had gone before the commission. They had there failed. The United States afterwards permitted itself to be sued in its own courts in order that the validity of the grants might be adjudicated. Those cases which had been before the commissioners were not, by the language of the law, to be considered by the court afterwards, but in this case the parties filed their petition before the court, notwithstanding the previous rejection, and Mr. Taney, representing the United States, argued in the Supreme Court, among other things, that the court had not jurisdiction in the case under the act of Congress of May 26, 1830, the claim in question having been finally acted upon and rejected by the register and receiver, who were the commissioners. The position taken by Mr. White was that it was not competent for Congress to pass any law authorizing any tribunal created under its authority to invalidate a perfect title confirmed by the treaty of the 22d of February, 1819.

I will read a short extract from the opinion of the court, found on the eighty-sixth and eighty-seventh pages. The court say with reference to the rights of persons owning land in the ceded territory who had obtained their grants and held perfect titles under the previous government:

It may not be unworthy of remark that it is very unusual, even in cases of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated, that sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged, if private property should be generally confiscated and private rights annulled. The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other and their rights of property remain undisturbed.

If this be the modern rule, even in cases of conquest, who can doubt its application to the case of an amicable cession of territory? Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign. The language of the second article conforms to this general principle: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, by the name of East and West Florida."

A cession of territory is never understood to be a cession of the property belonging to its inhabitants. The king cedes that only which belonged to him. Lands he had previously granted were not his to cede. Neither party could so understand the cession. Neither party could consider itself as attempting a wrong to individuals, condemned by the practice of the whole civilized world. The cession of a territory by its name from one sovereign to another, conveying the compound idea of surrendering at the same time the lands and the people who inhabit them, would be necessarily understood to pass the sovereignty only, and not to interfere with private property.

Further on the court say:

This article is apparently introduced on the part of Spain.

Referring to the eighth article of the treaty, which perhaps I may as well read. The eighth article of the treaty says:

All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal on the part of His Catholic Majesty for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

The court say:

This article is apparently introduced on the part of Spain, and must be intended to stipulate expressly for that security to private property which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security further than its positive words require would seem to be admissible. Without it the titles of individuals would remain as valid under the new government as they were under the old; and those titles, so far at least as they were consummate, might be asserted in the courts of the United States, independently of this article.

The court ask, indignantly, further on:

Is it possible that Congress could design to submit the validity of titles which were "valid under the Spanish Government or by the law of nations" to the determination of these commissioners?

Notwithstanding the previous adverse determination of the commissioners, the Supreme Court held that that grant was valid.

Mr. President, it is with reference to decisions of this class that the committee constructed this bill. There are three classes of cases referred to. Two only have been mentioned in the debate. The third has been treated and considered as though it was a mere repetition or consolidation of the other two. These are the classes found in the sixth section. First, those "which at the date of the passage of this act had not been confirmed by act of Congress;" second, those which have not been "otherwise finally decided upon by lawful authority;" and, third, those "which have not become complete and perfect."

These are the three classes of claims which are provided for in this act. The jurisdiction is given to the proposed court in cases of those three classes and none others. It expressly excludes the perfect grants which have been defined clearly in the decisions which I have read, and in those decisions it is declared that they need no assistance from the legislative or judicial departments of the Government. The bill further says in the first paragraph of section 13:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, and one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect—

Evidently the imperfect title alone is referred to—

had the territory not been acquired by the United States, and that the United States are bound, upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

It is only these three classes of claims which are required to be presented to this court. It is only these three classes of claims that this court has any jurisdiction to hear and decide by the terms of this bill. It is only these three classes of cases here enumerated which are barred by this statute of limitations of two years. Section 12 of the bill says:

That all claims which are by the provisions of this act authorized to be prosecuted shall, at the end of two years from the taking effect of this act, if no petition in respect to the same shall have then been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned and shall be forever barred.

The court has no jurisdiction over any but these three designated classes of claims, and therefore, by the express terms of this twelfth section, they only, and not the perfect claims, are barred by this bill. This bill treats the perfect claims as the Supreme Court regards them, as needing no help from the legislative department of the Government.

Then, Mr. President, the allegation that all claims, without regard to their being perfect or imperfect, are to be barred in two years is not sustained by the record, as will be found by a proper examination of the terms of the bill. The case which has been cited from 130 United States Reports, arising under the California statutes, was in a different position, for there the court did have jurisdiction over the perfect titles as well as the imperfect titles. There the act did require that the imperfect titles and perfect titles alike should be presented for the adjudication of the courts, and after the period fixed in the statute had elapsed the Supreme Court made the decision that the power of Congress was supreme over the matter. But there has been no such arrangement proposed in this bill with reference to perfect grants.

Mr. President, I will read the eighth section of the treaty with Mexico upon which this present matter rests as showing the difference between it and the Florida treaty which I read awhile ago, the treaty of 1819. Article 9 of the treaty of Guadalupe Hidalgo, says:

In the said territories property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

If a person had a perfect title under the Mexican Government or one derived from the Spanish Government, then the title is perfect and valid now; it needs no aid from the United States; it needs no aid from Congress; it needs no more aid than the title to the land which I own derived from the patents of the United States. The titles which were good, perfect, and complete under the Mexican law at the time of the cession are good, complete, and perfect now, and if there is anything in the decision of the Supreme Court in the case which I read, those people require no aid whatever from the Government with reference to their titles.

Mr. President, if there are defects in this bill, the bill can be amended. I do not think that the defect which the Senator from Colorado [Mr. WOLCOTT] has dwelt so much upon, and which I have referred to now, amounts to anything. I do not think that any change is required with reference to that matter. The bill has been worked upon industriously in the committee-room. It had its origin, as I am told, many years ago, and in its early history it was wrought upon by some of the ablest lawyers who ever came to the Senate. The bill was before the committee during the last Congress, and again during the present Congress. Every section, every sentence was industriously examined and

perfected with all the ability and industry that the committee could give to it.

We did not have in the committee-room the counsels of the Senator from Colorado. It is to be regretted that we did not have the benefit of his experience and his knowledge and his acquaintance with the country where the lands included in the grants are situated, and with the inhabitants. It was a surprise to me when I first heard that he had any objections to the bill. It was reported on the 28th of April. He had apparently acquiesced in all that was done in the committee-room. He has filed no adverse report, he has filed no other bill including his views, coming from him as a minority of the committee, and it was with surprise that I first heard that the objections existed which he has brought to the attention of the Senate.

I do not think, as I said before, that the objection just treated of is a valid one. If there are others the bill can be amended. The limitation as to time, as suggested by Senators who occupied the floor yesterday, can be very readily changed. As was said by the Senator from North Carolina, it was tentative, and we can easily extend the duration of the court so as to give all parties who have claims which need the aid and attention of the court all the time that justice and right require.

But, Mr. President, I do not think that the bill is subject to the severe criticisms which have been made with reference to it. I do not think it is unjust, unfair, and indefensible. I claim that it affords relief and assistance that are very much needed, according to the remarks which have been made by Senators living in that section of the country. It gives ample relief to all small holders who own not over 160 acres. In section 16 it is provided:

That in township surveys hereafter to be made in the Territories of New Mexico and Arizona, Wyoming and Utah, and the States of Colorado and Nevada, if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, or grantors, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land of not exceeding 160 acres in such township, for twenty years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith.

And in section 17 a similar provision is made in cases where the townships have been surveyed. That section provides—

That in the case of townships heretofore surveyed in the Territories of New Mexico and Arizona, Wyoming and Utah, and the States of Colorado and Nevada all persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, and who have been in the actual continuous adverse possession and residents of tracts of not to exceed 160 acres each for twenty years next preceding such survey, shall be entitled, upon making proof of such facts to the satisfaction of the register and receiver of the proper land district, and of the Commissioner of the General Land Office upon such investigation as is provided for in section 16 of this act, to enter, without payment of purchase money, fees, or commissions, such legal subdivisions, not exceeding 160 acres, as shall include their said possessions.

So, Mr. President, settlers on all these small bodies of land, not exceeding 160 acres in extent, occupying them under arrangements similar to our homestead laws, whether they originally had paper titles or whether they had not, those who have simply been in possession for twenty years or more, are protected without fee or expense or cost. The Government goes there and measures their land and sets it off for them, and where land has already been surveyed a similar provision is made. So, ample provision is made for all these poor people and these owners of small bodies of land who are actually living upon them.

Then, every holder of an imperfect title has his day in court, whether he has a large body of land or a small body; if he has got a concession or grant or survey or writing of any kind, no matter how imperfect, if it is such a title or such a showing as under the laws of Mexico, or under similar laws of this country, would entitle a citizen of this country to relief, he has his day in court and an opportunity for relief.

Then there is the fair and legitimate inference from the language of the bill that the holders of perfect titles, no matter how large, shall be recognized as the actual owners of the land included in their grants. They are not required to come into court. They are not required to present any documents or claims. They receive actual relief without any necessity of coming before the court at all. They are treated just as the United States Supreme Court has treated others in a like situation under the Florida law, as needing no help from the Government, no help from the legislative or the judicial departments of the Government.

Mr. WOLCOTT. Will the Senator permit me to ask him a question?

Mr. PASCO. Certainly.

Mr. WOLCOTT. The Senator's statement, supported by citations which he deems authority, is to the effect that perfected claims are not to be included in this act at all, whether they have been confirmed or not; that claims which are perfect and not confirmed are not intended to be included in this act. It is to those of us who think we know at least that district entirely immaterial or practically immaterial whether or not the bill excludes claims that are perfect and not patented, or whether it provides that parties having claims which are perfect but not confirmed may come before this tribunal and have them passed upon by a court or otherwise. Would the Senator as a member of the committee object to an amendment—I simply ask this so that I may know the opinion of the Senator—on page 17, where the fourth subdivision says:

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Would the Senator object to a clause being added as follows?

Nor any claims for lands which are complete and perfect, although they may not have been confirmed by Congress.

Would such an amendment not be in entire accord with the Senator's present interpretation of the bill as it stands?

Mr. PASCO. My objection to inserting anything with reference to those who have perfect titles is that it would seem to be casting a cloud upon titles which are already ample and full and which need no assistance from the Government. I would not feel that any benefit would be afforded me if the Legislature of the State of Florida or the United States Congress should pass a law allowing me to go into court to settle a title to land that I own and hold without dispute in my own State; and it seems to me that when a person has a perfect title, one that is so recognized by the Government, one that is so recognized by the Supreme Court, it is an injury rather than an advantage to him to throw open the doors of the courts and require him to come in and prove to be certain and correct and sufficient what has always been regarded as certain and sufficient and correct. The very act of opening the doors of the court in such a case would have a tendency to weaken and impair and cloud the title of the holder. That is the objection which I have to any legislation of that kind.

Mr. MORGAN. If it will not interrupt the Senator from Florida——

Mr. PASCO. Certainly not.

Mr. MORGAN. My difficulty has been, I will say to the Senator, in this case mainly that there is no definition either in the treaty or in this bill of what is a perfect and what is an imperfect title under the Mexican law. Can the Senator describe what is a perfect title under the Mexican law and give an illustration of it, and also what is an imperfect title and give an illustration, so that we may know what the committee means when these phrases are used? I wish to call the attention of the Senator to a fact in regard to it. I think it is not the custom of the Mexican Government to issue patent. I do not mean the general Government. I am speaking now of the state governments.

Mr. SPOONER. In any case?

Mr. MORGAN. The juridical possession under a grant in Mexico is a legal investiture of title and possession by operation of law, whether it is attended with actual occupancy or not. That juridical possession after it is made out by an alcalde is returned for record in the land office of the state at the capital of the state in which the land is situate where the grant comes from the state, and that record constitutes his title, not that a separate patent issued setting forth all of these facts. If I am correctly informed about it, that is the procedure by which a title is derived from the state governments of Mexico.

Now, will the Senator say that the record of the state government, where the title emanated from such a government, must show every fact that is necessary to a complete investiture under the Mexican law? Would that be a perfect title within the meaning of this bill? Then, if that is a perfect title, what is it that is an imperfect title? Is it the one that is merely defective in the fact that all the records have not been completed which would make up a perfect title, or is it one in which a part of the record has been completed and where the party having the grant has made what we would call an equitable compliance, a substantial compliance with the terms of the grant and its future conditions upon which the grant is to become complete as a juridical grant?

Mr. PASCO. Mr. President, it would be very presumptuous in me to attempt to give a full answer to such a question as that when asked by the Senator from Alabama, who we all know has so much learning in the law and who has had so much experience in matters of this kind.

The question of perfection is at last a question for the courts. The general idea of a perfect title is a title to land which has been separated by an act of the former government from the public domain and which the party is in possession of under a grant from the former government. That is the general idea of a perfect title. But it is at last a question in each case to be determined by the courts.

But with these perfect titles derived from the former government a party can go into court, he can defend himself, and he can protect himself; and if the title is perfect and the possession has been held under it, he needs no help from the Government in accordance with these decisions.

The imperfect titles, as a general rule, are those grants or concessions which are conditional, whose terms have no been complied with—the Senator enumerated a number of them the other day—where a man receives a body of land from the Government upon the promise that he would put a colony upon it, that he would feed a certain number of sheep or cattle upon it, that he would build a mill or something of that kind. Those are given in the books and in the decisions of the Supreme Court of the United States as illustrations of imperfect titles.

Parties who are in possession, such as are provided for in the sections which I just read (16 and 17), who have been allowed to enter upon lands as settlers under a general policy of the Government similar to our homestead laws, are holders of another class of imperfect titles which are referred to in some of the decisions of the Supreme Court of the United States; those persons are dependent upon the further favor

and assistance and help of the Government before they can have their titles perfected.

Mr. SPOONER. Does the Senator understand that under this bill this court is to have any jurisdiction whatever of an imperfect title as he defines it?

Mr. PASCO. That is its very purpose.

Mr. SPOONER. As I recollect the provisions of the bill, this court shall take jurisdiction only of those titles which upon principles of public law or in order to perfect the obligations of a treaty the party is entitled to perfect.

Mr. PASCO. These are the three classes that are enumerated in section 6: those "which at the date of the passage of this act have not been confirmed by act of Congress;" those which have not been "otherwise finally decided upon by lawful authority;" and those "which have not become complete and perfect." They are in a similar situation to those who file declarations of homesteads in our own General Land Office and comply with the terms of the homestead laws. Such titles are incomplete, inchoate, imperfect. Under the provisions of the treaty and under the provisions of this act such holders would be entitled to go and perfect their claims and receive their final patents or proofs of title from the Government.

Mr. REAGAN. Mr. President——

Mr. RANSOM. Will the Senator from Texas allow me?

Mr. REAGAN. I merely wish to make one observation. What, no doubt, raised the question in the mind of the Senator from Wisconsin [Mr. SPOONER] is the fact that the law takes for granted that we understand that the titles to be acted upon are those that had their incipiency under the Mexican or Spanish Government, and which had not been perfected. That, I do not think, is specifically described in the bill, but the bill evidently takes it for granted that we do so understand. It is those titles which have had their incipiency under the Spanish or Mexican Government and which were not perfected under those Governments.

Mr. PASCO. Does not the Senator think that the third description covers those "which have not become complete and perfect," and then the first paragraph of section 13, which says:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, and one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States are bound, upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

Mr. REAGAN. The bill is more full than I thought it was.

Mr. RANSOM. Will my friend from Florida yield to me for a moment?

Mr. PASCO. With pleasure.

Mr. RANSOM. I ask the attention of the Senator from Alabama.

Mr. MORGAN. I am listening to the Senator.

Mr. RANSOM. The Senator from Alabama asks the Senator from Florida for his definition of an imperfect and of a perfect title. That is a question which very naturally and properly occurs to every Senator in the discussion of this bill, and if I am not mistaken I can relieve the mind of the Senator from Alabama, lawyer as he is, of all doubt upon that question—I mean of all doubt so far as the practical operation and effect of this bill are concerned.

As I stated yesterday, the jurisdiction clause in the bill before the Senate is substantially and almost literally the jurisdiction clause in the law of Congress creating what is known as the Louisiana Commission.

Mr. MORGAN. The act of March, 1805?

Mr. RANSOM. I am not certain as to the date, but I think it is March 30, 1805. I think it was afterwards amended, perhaps in 1818, but they are substantially the same, and I took the liberty yesterday evening, when the Senator from Alabama was addressing the Senate, of calling his attention to that clause as offered here by the late Senator from Florida, Mr. Jones.

Instead of undertaking myself to give a definition of an imperfect title or a definition of a perfect title, I will say to the Senator from Alabama that since 1805, assuming that to be the date of the act creating the commission in Louisiana, the Supreme Court of the United States and the courts of the different States made up out of the Louisiana purchase have repeatedly, time after time, declared what was a perfect title and what was not a perfect title, and I think it is safer for us now to stand by the adjudications and the definite judgments of the Supreme Court of the United States delivered in numberless cases than it is in this bill or in an act of Congress to undertake to define a perfect or an imperfect title, an incipient title—that seems to be the term that has caught the fancy of the Supreme Court, if I may say so, and Judge Miller, always with great significance, uses that term—I think it is much safer to take their adjudication of this question than to undertake to put it more fully in this bill.

The Senator, no doubt more familiar with many of these cases than I am, will find that sometimes it has been a very nice question for the Supreme Court to decide whether the title from the Spanish or the French Government required further action from this Government, or whether it was perfect in itself. I prefer myself—if my friend from Florida will allow me to hold the floor for one second further—to say that I think it safer for Congress to stand upon those adjudications of the last eighty-odd years than it is to put in new terms in this bill, attempting to give a significance of definition to a legal expression which has had illustration after illustration from the courts of the States and from the Supreme Court of the United States.

Mr. PASCO. Now, Mr. President, with reference to this——

Mr. SPOONER. Will the Senator allow me a moment?

Mr. PASCO. Certainly.

Mr. SPOONER. I ask the attention of the Senator from North Carolina. I have listened attentively to his observations, and he will remember that when this bill first came for debate before the Senate I asked the Senator, as chairman of the committee having the matter in charge, to state succinctly the distinction, as he understood it, between a perfect and an imperfect title, stating to him at the time that as to a perfect title, as I understood it, I could not understand why Congress should impose any limitation upon a recovery.

That is to say, if a man had perfected his title by performing the conditions of a grant of 100,000 acres, and the court found it to be a perfect grant, if the concession was found to be made, if the limits of the grant were established and the conditions found to have been definite and to have been performed, upon what principle of justice does the committee ask the Senate to impose a limitation upon the amount of the recovery? The Senator informed me and informed the Senate, in reply to my interrogatory, that under this bill this statutory court, as I choose to term it, was not to have jurisdiction of perfected titles; that it was intended to confer upon this tribunal only jurisdiction of those inchoate, incomplete, or, to use the appropriate phrase used by the Senator from North Carolina, those equitable titles as to which—and if the Senator's statement of the law and the facts be correct, then his answer to me was complete—the condition not having been performed, the grant not being complete, it was at the option of the Government to enter for a condition broken and put an end to the entire grant, or as a matter of grace to allow so much of the grant as it chose.

Now, what I should like to ask the Senator is this: I understand the law to be as to a conditional grant, that the grant proceeding from the sovereign, it is for the legislative department of the Government to determine where the condition had not been performed whether it will enter for condition broken or will waive the condition. Is it intended by this bill to delegate to this tribunal to determine whether the condition not worked out shall be waived or enforced? In the case of a grant upon condition, the condition not having been performed, is it for the court to say or for Congress to say whether the party shall be permitted to perform the condition or not?

Mr. RANSOM. Mr. President, I presume of course I was not very clear, and it is not the fault of the Senator from Wisconsin, but it is my fault that he did not understand me. I may have used during the debate the word "grace," but I was not using it in reference to the court. Under this bill there is no grace to be exercised by this court. This court will have a well defined duty to perform, and that duty will be to determine upon the facts, conditions, and circumstances of the case whether according to the law of Mexico and Spain these claimants are entitled to have their grants completed or consummated. It is not left in the sky. Their duty will be well defined and bounded. They will have to say, as positively as it is possible for the law to speak, whether the circumstances of each particular case invest the claimant with the right to have his title consummated.

Mr. President, all that I meant to say to the Senator from Wisconsin and the Senator from Florida and the Senator from Alabama was that having had since 1805—for I am satisfied the Senator from Alabama has the date accurately—a long line of judicial decisions upon this very question, repeated over and over again under all the different circumstances under which these titles have grown up, I thought it was better for Congress to stand by and abide by well defined terms which have been understood and adjudicated by the courts than to attempt to add to them by new words or new phrases which might embrace something that ought not to be embraced or might exclude something that ought not to be excluded, that it would be safer for us to stand in this bill by the jurisdiction clause of the commission act affecting the Louisiana purchase.

Mr. PASCO. Mr. President, with reference to this question of perfect and imperfect grants, I call the attention of the Senate to a description of the different classes of grants as given by Mr. Gilpin, who was Attorney-General of the United States at the time, in the case of the United States *vs.* Wiggins, found on the three hundred and fortieth page of the fourteenth volume of Peters's Reports. It is in his brief as counsel in the case representing the Government. He says:

Grants of land in Florida by the Spanish authorities, so far as they have come before this court, appear to have been of three classes:

First. Absolute grants, in consideration of services already performed, which were made by the governors, in special cases, either by virtue of a special power recognized by the laws of the Indies (2 White's New Recopilacion, 38, 40, 52), or by the authority given in particular decrees, coming directly or indirectly from the sovereign, as in the case of the grants conferred upon Salus, Pauiin, and Percheman, in reward for their services (2 White's New Rec., 280). The very nature of these grants forbids a limitation on the quantity, or on the consideration that might move them. They are recognized by this court in the cases of the United States *vs.* Percheman (7 Peters, 97) and United States *vs.* Clark (8 Peters, 453).

Second.—

This is an example of the imperfect grants—

Second. Grants in consideration of services to be performed, and deemed specially important for the improvement of the province. These do not seem to have grown out of any law or royal order, but were not infrequent for some years before the cession of Florida. They were established by usage, and recognized as lawful. (2 White's New Recopilacion, 286, 289, 290.) The services appear to have been of three kinds: The erection of saw-mills, factories, or mechanical works; the introduction and rearing of large numbers of cattle; and the establishment in particular places of large bodies of settlers. The titles to these were, in some instances, absolute on their face, and conveyed a present grant from their date, though coupled with conditions for the subsequent performance of the specified services; or they were mere concessions or incipient grants, securing a future absolute title, on the performance of the conditions.

Then he goes on to speak of the cases in which they are recognized, and says further on:

Third. But the great class of cases was that of gratuitous grants, in moderate quantities, for purposes of actual occupation and cultivation. To this class is applicable the general system of Spanish land law which existed in Florida and Louisiana; and the regulations embraced under it are as clear and distinct as those of the land laws of the United States. It is true, the grants were gratuitous, but the performance of the conditions annexed by the law was a consideration as explicit as the payment required by our laws.

Those, Mr. President, are instances of different kinds of grants. The first is the absolute title, the perfect grant. It needs no help from the Legislature. It is a weapon of attack or of defense that can be used in the courts as a means of obtaining possession when the holder is unlawfully ousted or as a means of resistance if his rights are assailed. The holder of such perfect and valid grant and title, as I have said before, needs no help from us, and no help is provided for him by the terms of this bill.

The purpose of the bill is not to try titles, not to decide whether they are valid or not, but it is to complete them, to perfect them. They had their origin in the days of the Spanish or Mexican occupation, and when they are incomplete and insufficient and not capable of being used as weapons of attack and defense in the courts, then the holder can come in under the terms of this statute and complete his title and obtain the patent of the United States if he satisfies the court that he has a just and meritorious claim.

Then, to repeat briefly what I said before, this bill protects small holders to the extent of 160 acres of land. It gives the holders of incomplete titles their day in court. It virtually says to the holder of the complete title that he needs no assistance from a court, and that Congress will not interfere at all with his rights or claims. The only persons who do not obtain complete relief are those who hold grants exceeding 11 leagues in extent, and it is claimed by Senators who have argued against the bill that such holders should also be provided for.

The Senator from Colorado has not made out a very strong case in behalf of claimants of this class who live in the Territory of New Mexico. He says that the land there is so poor that it can hardly support the cattle which graze upon it. He says it is even beyond the reach of the water of irrigation to bring it up to a state of cultivation; but this land is presumably of some value, and by the earnestness with which these claims have been pressed there is no doubt that much of it is very valuable. But whatever rights these parties have should be protected whether the land is valuable or not.

The question is to what extent they should be protected at the present time. They need no protection if their grants are perfect. If they are not perfect they have their day in court in this bill to the extent of 11 leagues. If they establish their claims they will be perfected to that extent and patents will be given to them. It is only to the extent in excess of 11 leagues that they do not get protection under this bill. They are not barred. The bill simply provides no remedy for them beyond the 11 leagues. It does not prevent Congress, after getting at the merits of these cases as they will be disclosed in the records when they are presented to the courts, from giving them relief hereafter to a further extent, which very likely will depend upon the merits of their several claims. But certainly, as has been well said by other Senators who have discussed this bill, these people get a very large benefit and advantage when they have their claims confirmed to the extent of 11 leagues.

It is a dangerous quantity of land to be given to any one person. It is against the policy of the Government that lands in very large bodies should be vested in individuals. Eleven leagues is nearly 50,000 acres of land. Some of these claims run up into the millions of acres. They are large enough for duchies or baronies. They are larger than some of the States of this Union, and it is wise for Congress to pause at the present time before giving the court unlimited authority to confirm all of these grants, no matter how large they may be.

It is wise to wait until these people have presented their cases, until they have made up their records, until their equities are known, and then it will be within the power of Congress at a later day, if it sees fit, to give further relief. As I said before, they are not barred beyond that extent. This bill simply gives them no remedy, but it should not be condemned for that reason. The bill is generous enough towards these holders. We are for the present doing enough for them, and it is not wise that we should at the present time give unlimited authority to the courts in respect to these large and enormous and dangerous claims.

Many of them are no doubt fraudulent. There is a great temptation to commit forgery when there is so much at stake. It is well known that in the history of claims of this class frauds have been committed, and it is no "infant industry," either; for the manufacture of fraudulent grants will be found by any one who studies this class of cases to have originated a great many years ago in the history of this country; the older the grant the more difficult it is to find out whether or not it is good and honest and valid.

Mr. PLATT. May I ask the Senator a question?

Mr. PASCO. Certainly.

Mr. PLATT. Suppose it should turn out in an investigation before the court that the claimant was just as much entitled to 100,000 acres as to 48,000, or 11 leagues, how is the court to determine where his grant is to be located? Is there anything in the bill which authorizes the court to determine where his 48,000 acres or 11 leagues are to be located?

Mr. PASCO. There is nothing further in the bill except the general powers of a court of equity which are given to this court. The bill is silent as to the mode of procedure in such a case.

But, as I said before, if these parties prove to the satisfaction of the court by their records that they are entitled to further relief, there is nothing to prevent Congress at any future day from giving it to them. It is the history of legislation of this class that there have been extensions of the power and authority and time in every case where such additional legislation has appeared to be necessary. But, as I said before, if holders of these large grants exceeding 11 leagues in extent shall prove to the satisfaction of the court by their record that they are entitled to relief, there is nothing to prevent Congress at any future day from extending it to them to the entire amount of their claims.

Mr. President, in view of all the benefits that there are in this bill, although it may not give ample relief to the satisfaction of everybody so far as all classes of claims are concerned, it seems to be eminently proper that it should pass.

It is stated by all those who know the history of the States and Territories in which these lands lie that some legislation is necessary, and here is a bill providing for a court, which gives jurisdiction in every class of claims except those holding these large grants, and there is nothing, as I said before, to prevent these parties from getting further relief hereafter. Having made this provision in harmony with the legislation which has been attempted in previous Congresses in years gone by, having brought the matter so near to a state of completion, I trust that the bill will pass, and that the amendment which has been offered and which is particularly under discussion will be rejected.

## ENROLLED BILLS SIGNED.

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

A bill (S. 5) for the relief of Bessie S. Gilmore;

A bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;

A bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general in the United States Army;

A bill (S. 3711) granting a pension to Ellen M. McClellan;

A bill (S. 4233) granting a pension to Jessie Benton Frémont;

A bill (S. 4375) to provide an American register for the steam-ship G. W. Jones of New York;

A bill (H. R. 2174) to remove charge of desertion from Ellery C. Folger;

A bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes; and

A bill (H. R. 8943) to provide for the establishing of a port of delivery at Peoria, Ill.

## HOUSE BILLS REFERRED.

The bill (H. R. 11928) defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y., was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," to October 31, 1890, was read twice by its title, and referred to the Committee on the District of Columbia.

## OKLAHOMA TOWN SITES.

The bill (H. R. 11627) to authorize the issuance of subpœnas for the attendance of witnesses before town-site trustees in Oklahoma was read twice by its title.

Mr. PLATT. I wish for the present that that bill may lie on the table. I should like to have printed in the RECORD, so that it may be seen by Senators to-morrow, a short letter from the Department of the Interior to the Speaker of the House of Representatives and a letter from the Assistant Attorney-General and a letter from the Secretary of the Interior to the chairman of the Committee on Territories of the House of Representatives, transmitting a letter from the governor of Oklahoma. They are very short, and I should like to have them printed in the RECORD.

The VICE-PRESIDENT. They will be printed in the RECORD, if there be no objection.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July 28, 1890.*

SIR: The act to provide for town-site entries of land in what is known as "Oklahoma," and for other purposes, approved May 14, 1890, fails to confer any power upon the boards of trustees to issue subpœnas for the attendance of witnesses before said boards or to provide any penalty for refusal of any witness to obey such subpœna.

Deeming that it is essential to the success of the labors of the respective boards that such power should be conferred, I beg leave to lay before the House of Representatives the opinion of the Assistant Attorney-General assigned to this Department upon the subject, and the form of a bill authorizing the issuance of subpœnas in such cases, and request that early action may be taken thereon.

Most respectfully,

JOHN W. NOBLE, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF THE INTERIOR, *Washington, July 25, 1890.*

SIR: A letter dated July 18, 1890, from Winfield F. Smith, of Guthrie, Oklahoma, and addressed to you, calls attention to the necessity of conferring authority upon the boards of town-site trustees in said Territory to issue subpœnas for the attendance of witnesses in cases that may come before them. This letter you referred to me with the request that you should be advised as to whether under the Oklahoma town-site laws or other United States statutes the said town-site trustees have the power to compel the attendance of witnesses, and if no such authority now exists to prepare a bill will give such power to said boards.

In response to your reference I have the honor to report that under the law as it now stands the boards of town-site trustees are without authority to compel the attendance of witnesses, and that I have in accordance with your request prepared the draught of a bill, submitted herewith, which is intended to confer upon said boards the requisite authority to secure the presence and testimony of witnesses in proceedings that may be pending before them in their official capacity as trustees.

Respectfully,

GEO. H. SHIELDS,
*Assistant Attorney-General.*

To the SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR, *Washington, August 25, 1890.*

DEAR SIR: I beg leave to place before you a portion of a letter just received by me from the governor of Oklahoma, as follows:

"While I know you desire to do all you can for the best interests of your Department, I trust you will not think it out of place for me to remind you of the great importance it is to the citizens in this Territory that your recommendation that compulsory process may be issued by the various town-site boards for witnesses becomes a law; otherwise it is going to be impossible, in many cases, to arrive at any equitable conclusion.

"A case in point: I heard a very respectable man say to-day that he could tell exactly when a certain party arrived in Guthrie, but he was not going to appear before the board and make an enemy of him in a matter he had no personal interest in; that there was no compulsion, and he could better be out of the city. There are numerous similar instances to my knowledge."

Yours, truly,

JOHN W. NOBLE, *Secretary.*

Hon. ISAAC S. STRUBLE,
*Chairman of the Committee on Territories, House of Representatives.*

Mr. PLATT. Let the bill be printed.

The VICE-PRESIDENT. The bill will be printed and lie on the table.

## MISSOURI RIVER BRIDGE IN BOONE COUNTY, MISSOURI.

Mr. VEST. I am about leaving the city and I should like to secure the passage of a bridge bill. That is about the only matter that detains me here. I ask unanimous consent to call up Order of Business 2098, Senate bill 4395.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, Missouri.

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

The first amendment was, in section 1, line 3, after the word "Springfield," to strike out "Railway" and insert "Railroad;" so as to read:

That the Chicago, Hannibal and Springfield Railroad Company, an incorporation organized under the laws of the State of Illinois, its assigns or successors, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation between the towns of Providence and Rocheport, in the county of Boone, in the State of Missouri, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "location," to strike out "the topography of" and insert "the high and low water lines upon;" in line 10, after the word "river," to strike out "the shore lines at high and low water" and insert "the direction and strength of the current at all stages of the water, with the soundings accurately showing the bed of the stream, and;" and in line 14, after the word "bridges," to insert "such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge;" so as to make the section read:

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built.

The amendment was agreed to.

The next amendment was, in the proviso to section 2, in line 23, before the word "feet," to strike out "fifty" and insert "fifty-five;" in line 25, after the words "shall the," to strike out "channel span" and insert "spans;" in line 26, after the word "length," to strike out "nor shall the other spans be less than 300 feet in length;" and in line 30, after the word "river," to insert "and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe;" so as to make the proviso read:

*Provided*, That the said bridge shall be made with unbroken and continuous spans, and shall have three or more channel-spans, and shall not be of less elevation at any point than 55 feet above high-water mark, as understood at the point of location, to the lowest part of the superstructure; nor shall the spans of said bridge be less than 400 feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and said company or corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "way," to insert "across said bridge and approaches," and in line 3, after the words "telegraph lines," to strike out "across said bridge;" so as to make the section read:

SEC. 5. That the United States shall have the right of way across said bridge and approaches for such postal and telegraph lines as the Government may construct or control.

The amendment was agreed to.

The next amendment was, in section 7, line 4, before the word "act," to strike out "said" and insert "this;" so as to make the section read:

SEC. 7. That this act shall be void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this act.

The amendment was agreed to.

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

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

## UNITED STATES LAND COURT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

Mr. MORGAN. Mr. President, I have been very anxious indeed to support this bill. I have tried every way I could to reconcile myself to it. I am unable to do so after listening to the arguments of gentlemen who have addressed the Senate upon it so frequently and so ably. I think that perhaps there is no more imperative duty resting upon the Senate at this session of Congress than to pass some bill in regard to this very vexed question. It ought to be provided for. We have been nearly fifty years at it, and we have not got a law yet in regard to the particular territory we are speaking of which amounts to anything.

I notice that the general framework of this bill is upon the analogies, to say the least, of the statute of 1805 to carry into effect the land grants in Louisiana made under the French and Spanish occupancy of that country before the year 1800. There was a particular fact of history in that connection which ought to be kept in mind. After the treaty of purchase of Louisiana was made, and also later in the Florida arrangement of 1818, I think, it was ascertained that there were a great many grants that had been antedated and that pending the negotiation the treaty related back to a certain time when the jurisdiction was changed from one Government to the other, and that question was pending. The Spanish Government had issued grants to various people which were considered in fraud of the treaty rights of the United States, and both this act of 1805 and the act referred to by the Senator from Florida had reference to the frauds which might be practiced under that abuse of treaty rights, and were leveled against that.

There were two classes of claimants in Louisiana, those who had an incomplete title, a title that had been by grant made honestly by the French or Spanish Government anterior to the year 1800, but had not been completed as to all its conditions, and then there were titles acquired by occupancy or by possession of American citizens after the year 1800.

A commission was organized consisting of three persons under the fourth section of the act of 1805 to adjudicate these questions of title, and that commission had certain specific powers which are not found in this proposed act in regard to the adjudication of what were termed incomplete titles. The first section of the act of 1805 provides—

That any person or persons, and the legal representatives of any person or persons, who on the 1st day of October, in the year 1800, were resident within the territories ceded by the French Republic to the United States by the treaty of the 30th of April, 1803, and who had prior to the said 1st day of October, 1800—

You see the treaty was in 1803, and this act of Congress goes back to the year 1800, three years anterior, so as to cut off fraudulent transactions pending the negotiation of the treaty—

who had prior to the said 1st day of October, 1800, obtained from the French or Spanish Governments respectively during the time either of the said Governments had the actual possession of said territories any duly registered warrant or order of survey for lands lying within the said territories to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed.

There is a statute which draws a plain distinction between a title that is incomplete and one that is complete by statutory enactment and definition. Now, here is the proviso:

*Provided, however*, That no such incomplete title shall be confirmed unless the person in whose name such warrant or order of survey had been granted was at the time of its date either head of a family or above the age of twenty-one years, nor unless the conditions and terms on which the completion of the grant might depend shall have been fulfilled.

That is a plain statute; you would suppose there would be no trouble about interpreting that law, and the decisions which have been quoted here so frequently are based upon that plain provision of the act of 1805, showing clearly the distinction between titles that are incomplete and titles that are complete, the distinction itself being described and mentioned and stated with exactness in the body of the statute.

The next section relates to grants to actual settlers of land occupied by them with the permission of the proper Spanish officer and in conformity with Spanish usages, etc., and those grants are to be confirmed upon a different basis. They were possessory titles merely, titles by mere occupancy, and not under any special grant.

The fourth section provides for a registration of incomplete grants and also of completed grants, and it provides that if an uncompleted grant is not registered in the office of a certain recorder within a certain time the grant is to be forfeited. There is a proviso to the fourth section which I shall read:

*Provided, however*, That where lands are claimed by virtue of a complete French or Spanish grant as aforesaid it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant or order of survey, and the plat—

That is all he had to do to make the record complete—

but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners hereinafter directed to be appointed, when they shall take the claim into consideration. And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void and forever thereafter be barred; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence which shall not be recorded as above directed ever after be considered or admitted as evidence in any court of the United States against any grant derived from the United States.

Section 5 provides for the appointment of two commissioners and one of the judges there, who shall constitute a commission for the decision of these land titles.

Now, it is perfectly obvious that decisions predicated upon a statute like that can not be held to determine what is meant by, or the length, depth, height, width, or breadth of, a measure like this. They are entirely different.

Before proceeding to try to illustrate that difference more completely, I wish to call attention to a decision of the Secretary of the Interior made in the Myra Clark Gaines case. I will read an extract from his decision:

The Secretary of the Treasury, 30th March, 1805, referring to the act of 1805, in his instructions to J. W. Gurley, esq., in transmitting him his commission as register of the land office of the eastern district of Orleans, which included all that part of the territory east of the Mississippi, with all the parishes lying on the west bank and bordering on the same, and including the Fourche, remarked as follows:

"For the present I will call your attention only to one part of the law. It is enacted by the fourth section that persons claiming lands by virtue of legal French or Spanish grants made before the 1st of October, 1800, may file a notice of their claim with the register; but that persons claiming either under the first two sections of the act or under incomplete titles shall do it under penalty of their claim being forever barred.

"You will easily perceive that the distinction is drawn from the different nature of the claims; that the first species is considered as already established and not wanting any confirmation from the Government of the United States; but it is necessary that the people should be also made to understand it; that they should know that it is not intended to disturb their rights founded on legal grants, and that the object of that first paragraph is merely to enable them to have their grants recorded in an American office, if they shall think it expedient, and to prevent the possibility of the United States selling through mistake lands which have already been legally granted.

"It is true that persons claiming lands under complete grants dated after the 1st of October, 1800, are included in the same class with persons who claim under incomplete titles, and that there may exist some cases in which such grants are not confirmed by the first two sections of the act of 1805."

Whoever will go to the General Land Office here and search it, as I have had occasion to do—for as a member of a committee of this body it was my duty to do it—will find there a large number of grants claimed under the treaty of 1803 in favor of citizens of Louisiana that are as yet undecided. No provision of law has been made for their decision. The grants stand as claims against the United States Government. That is the way they are treated in the Department upon the record, as claims against the United States Government; and there are hundreds of them that have never yet been adjudicated by the Interior Department, and no court has had jurisdiction to dispose of them.

Many of those are valid grants under the act of 1805, and, notwithstanding the provision that is made for commissioners to decide upon the validity of those grants, they still remain undecided. Why so? It is because they were not of the particular description mentioned in the act of 1805. They did not have all of the incidents and qualities that are defined and specified in that act. Hence those commissioners did not have jurisdiction to decide them.

Mr. President, there has not been a uniformity of rulings that all the grants which were valid under the treaty of 1803 stand upon their own merits and are considered valid and are treated as valid by the courts, for it must be remembered that in that case, as in this case, the grants thus claimed are not urged against private individuals liable to be sued, but they are urged against the United States Government.

Take the treaty of Guadalupe Hidalgo. What was the situation of the territory we acquired under that treaty and under the Gadsden treaty the very moment of the proclamation of the ratification of those treaties? It was that the United States Government owned in its own right under those treaties every foot of land acquired by them that was not covered by a valid Spanish or Mexican grant, either complete or incomplete. The United States Government has always acted upon that idea, and the Secretary of the Interior has not hesitated to send out and have surveyed any portion of that domain which did not have resting upon it a grant that he himself was disposed to recognize as being valid, and he has disposed in this way to that extent of various claims originating under the Mexican law, I say without rhyme or reason, I say without an adjudication, I say by a summary proceeding. It is true he has not injured the title to any extent, because he had no power to do it; but the possessory right and all that relates to surveys and possession and the right of fencing and the like, including the right of pasturage upon those lands, he has decided upon the theory, which is a correct one, that all the lands that were not covered by completed land grants derived under the Mexican Government at the moment of time when those treaties were proclaimed went to the United States and became their property, and whoever claims one of these grants claims it under the laws of Mexico, through the treaty, against the United States. That is his claim, for if the United States Government concedes his right that establishes his title. Then the question between him and somebody else who may be upon that land is a question of local law. But the title, the muniment, that which in the judgment of the law upon the face of the papers is a complete and perfect title, is established or not established by the assent of the Government of the United States in the first instance.

Now, here is a man with either a grant from the State of Sonora or a grant from the general federal Government of Mexico made upon conditions-subsequent. He takes all the legal steps that are necessary to give him the first possessory right to these lands. First he makes his application under whatever law it is, whether it is an *empresario* grant, whether it is a grant for herding cattle and sheep, or whether it is a grant for agriculture, for the colonization of people upon the land, or for any other purpose. He makes his application, and he says, "I want whatever land the laws of this State or this Government allow me in a certain territory up here to be granted to me upon condition that I do this particular thing, colonize it with people, herd it with cattle or sheep, or some other thing."

The party to whom he makes the application issues to him upon that application a warrant of survey. He takes that with his surveyor and the witnesses and he goes and marks off the boundaries of the land that he wants to enter, confining himself as near as may be, but in an awkward, rude way usually, to the amount of land that the Government says he may have under such a grant. He sits down, after having made his survey, with his witnesses and he makes up the *desiño*, he makes up the survey. He takes that to the proper land officer or to the alcalde, and they make their report. They swear to it. The alcalde or the proper officer thereupon certifies that this man is entitled to juridical possession of that land. The conditions-subsequent are to be performed in the future.

Now, I will suppose that all these things had been done a month, six weeks, or two months before the treaty of Guadalupe Hidalgo was signed and proclaimed. We took that Mexican citizen and that territory with his preliminary proceedings all regular and right, and, if the Government had not been compelled to surrender that land to the United States at the end of a war, he was going on in good faith to comply with all the conditions-subsequent. If it was an *empresario* grant he was going to have his people there; if it was a cattle grant he was going to have his cattle and sheep there; he was going to live upon it or have his agent live upon it until such time as he would be entitled

upon further proof of a full compliance to a certificate that all these conditions had been complied with.

But the Mexican Government was very loose about requiring the certification of the performance of these subsequent conditions. In nine cases out of ten in regard to all of these grants you may search the records of those States and of the federal Government and you will not find one case in ten, perhaps not one in a hundred, where the final certification of the man's full compliance with all the conditions-subsequent has been made; and it really is not an essential of the title.

Here is a man who six weeks before the treaty of Guadalupe Hidalgo went through all this formula with due and legal regularity and took his land, was admitted to juridical possession. He was there and we found him there, our citizen, when that treaty was made, and it was our land except so far as it was affected by his rights under the Mexican law. The Government of the United States did not have the policy of having herds of cattle upon these great pasture grounds; it did not have the policy of having a colonization of people upon these places; it did not have the policy of giving to these respective colonists a certain amount of land because they went there, and of giving by way of premium to the *empresario* a certain amount of other land lying outside of the colony or adjacent to it as a fee or reward for having there these colonists upon that land. We had no such policy as that. Our policy was quite different.

Now, what is the law in regard to a condition of affairs like that? The Government of the United States finding itself in possession of the jurisdiction and sovereignty over this land, not having a policy in conformity with that of Mexico, it has been said here frequently defeats the condition-subsequent and makes the grant perfect. Yet when you go back to the Mexican law and read through it you can not find the evidence upon the record of a perfect grant; you have got to come down through the treaty; you have got to discuss and apply the policy of the United States Government; you have got to determine that that policy has relieved the party from compliance with the condition-subsequent, and therefore has made the grant perfect. All these things are to be ascertained; and yet that is not a complete title under the Mexican law. That is described here as being an incomplete title, if anything is described as an incomplete title. It is not a complete title.

Here we come in and try to provide for it. We want to make a law providing for this condition of affairs and relieving these people from these embarrassments, and to relieve hundreds of thousands of others who never had a scrap of paper in the world to show that they were entitled to one foot of land, and yet they and their ancestors have been living on it for one hundred and fifty years. We have got to do something to relieve these people. We can not take them as citizens of the United States and rob them of whatever rights they would be entitled to under the Mexican laws. We have got to find out what those laws are, what the equities are between the Government and the citizen, and we must make some provision to discharge our obligation and protect that ownership and not turn these poor people out.

We have a proposed statute here which says that this statutory court shall have jurisdiction of certain cases. What are they? Incomplete titles, and no other, for if a title is complete, according to the language of this bill, the court has no jurisdiction. It is a question of power on the part of the court. Now, let us see whether that is treating the citizens out there with justice or not. A man has been in possession of a Spanish grant for a number of years. He has looked back upon the records, and he has seen that at the time the treaty of Guadalupe Hidalgo was proclaimed his title was complete in all the legal preliminaries, but incomplete as to the conditions-subsequent, and the Government of the United States had discharged the necessity of his making it complete in that particular. He must come into a court and show such a case as that he has not got a complete title; that is, a valid title, valid in law, for if his title is admitted in law it is complete enough, whether the forms have been complied with or not. A complete title means a valid title.

Mr. HOAR. Where does the statute say it must be complete?

Mr. MORGAN. I am talking about this bill.

Mr. HOAR. I do not find that in the bill. I have looked for it. I did not know but that the Senator might know where it was.

Mr. MORGAN. I could show it to the Senator in a minute if I had the bill before me.

Mr. HOAR. Here is the bill. Here is section 6.

Mr. WOLCOTT. In regard to what provision does the Senator inquire?

Mr. HOAR. I ask where there is anything in the bill that speaks of complete or incomplete titles.

Mr. WOLCOTT. Section 6, page 7.

Mr. HOAR. Just look at section 6 and see.

Mr. WOLCOTT. That is all that does touch it except at the bottom of page 17, the fourth subdivision. Those are the only two clauses that describe the grants to be passed upon.

Mr. HOAR. I understood the Senator to say there was a good deal of distinction. It is the confirmation of a grant, concession, or warrant. It speaks of nothing else.

Mr. MORGAN. That is all that this bill proposes to do. This bill deals with nothing in the world but naked title between the Government and individuals. It does not settle private rights between individuals. They are not settled. This is a bill to settle the question of title between the United States and claimants, as I have frequently said, and it authorizes a suit by the United States, which means a suit of the United States Government, to determine this question. The jurisdiction of the court is confined in this way:

SEC. 6. That it shall and may be lawful for any person or persons or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the State of Nevada or Colorado, by virtue of any such Spanish or Mexican grant, concession, warrant, or survey—

"Of survey," that ought to be, not "warrant, or survey"—

Any such Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States which at the date of the passage of this act have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, and which have not become complete and perfect.

In every such case a petition in writing will confer jurisdiction upon the court.

Mr. HOAR. Will the Senator allow me to interrupt him? I should like to have his judgment upon one point. If the Senator will take section 6, which he has just been reading, the provision of the section is that it shall be "lawful for any person claiming lands," not claiming a title or anything of that kind, "by virtue of any such Spanish or Mexican grant, concession, or warrant," which has not been confirmed, which Congress is bound to confirm by treaty. There is nothing in the bill which requires in words the court to deal with titles inchoate or complete or otherwise. In substance it is that if the United States is under obligation to pass certain laws making a grant, whatever creates that obligation, then the court is to do so, it is to confirm. Now, the point of this distinction, if there be anything in it, which I wish to call to the attention of the learned and able lawyer who is now addressing the Senate, the Senator from Alabama, is how can we impose on the Supreme Court of the United States as a final arbiter the duty of inquiring whether Congress ought to legislate on the subject? We can impose upon them the duty of rendering judgment on the title.

Mr. MORGAN. The Senator from Massachusetts has not read the section in the light in which I understand it at all.

Mr. HOAR. That is what I want to hear. I want to see whether that is the true light or not.

Mr. MORGAN. The language of the section is—

Concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States—

That does not say "by Congress"—

which at the date of the passage of this act have not been confirmed by act of Congress or otherwise finally decided upon by lawful authority.

Mr. HOAR. In other words, my inquiry is this: The United States have engaged with Mexico to make certain legislative grants in the future.

Mr. MORGAN. No; not that.

Mr. HOAR. That is all this confirmation applies to.

Mr. MORGAN. No; it is to confirm grants that have been heretofore made by Mexico.

Mr. HOAR. That is the same thing. It is an act of legislation.

Mr. MORGAN. No.

Mr. HOAR. If a man has got a complete title, I heard the Senator just say, then the court has nothing to do with it. If a man has not got a complete title what he lacks is a legislative grant, which we agree to make. Now we refer him to the court to establish whether we ought under the circumstances of law and equity to grant this land, the title of which is now otherwise in us. How can that be made a judicial question? is my inquiry.

Mr. MORGAN. It is made a judicial question by this bill.

Mr. HOAR. I understand that, but by the Constitution of the United States?

Mr. STEWART. Will the Senator let me answer?

Mr. MORGAN. No, I will answer.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Alabama has the floor.

Mr. STEWART. I was going to refer the Senator to a decision.

Mr. MORGAN. As I understand the drift of the idea and question of the Senator from Massachusetts, it is that our duty in this particular is a legislative duty, and that by this bill probably we are transferring this legislative authority to this commission; but after all that amounts to legislation and no more; that it is the consent of the Government of the United States and the perfectness of the title that has been conferred by that completed or incomplete act originated before the treaty of Guadalupe Hidalgo.

Now, I am looking at this as if it were a court, for evidently it is. It is bound to be a court. Otherwise you could not get an appeal from this court to the Supreme Court of the United States. You can not take an appeal from any legislative tribunal. But if this is intended to be a court—and there is where I think the difficulty is—it is intended to be a court of very limited jurisdiction, with another unfortunate

circumstance about it, and that is that it shall expire in four years, when everybody who has listened to this debate must understand that it will take ten or fifteen years to finally dispose of all these cases. There is no doubt about that, I think. But, it is intended to be a court.

Mr. STEWART. Will the Senator from Alabama allow me to interrupt him a moment? I can not refer to the exact decision, but this very question was brought up in a California case, because all those cases, or a large number of them, went through the courts, and they held that the court constituted a special tribunal in the nature of a committee, and that Congress had power to carry out its treaty obligations in that manner, and refer the cases to the Supreme Court or to any court to carry out the treaty obligations.

Mr. MORGAN. Mr. President, I do not dispute that the Congress of the United States has a right to organize a commission to dispose of these matters if it chooses to do so.

It did authorize the surveyors-general to make surveys and really to confirm titles, and we can authorize this court, or so-called court, to do it if we choose. But that does not meet the proposition as to what we ought to do. How far ought we to spread the jurisdiction? That is the question in this case. Ought we to limit it to cases where the title is incomplete or ought we to say to this court, "Take the whole subject, take any man's case who comes, decide it for him or decide it against him, but let your decision be final of his rights," and then compel every man to go there and bar him out by a short statute of limitations if he does not go? This last is my view about what this bill ought to be, and my objection to it is just this:

I go into the court, and being compelled to take the risk myself of deciding without the assistance of the court what my title is, whether it is complete and perfect, being compelled by this bill to take the whole risk of that question, I make up my mind and I go into court, and I say to the court, "Here is a title that upon the advice of counsel I think is incomplete. It is valid, it is honest, and I have been in possession of it for many years with very little intrusion. Sometimes a man would come upon me and worry me, but I want this matter settled. The adverse claimant to me, so far as the question of simple, naked, pure, title is concerned, is the Government of the United States. I do not regard these people around me who may be intruders. Congress has not undertaken to deal with my rights and the rights of some other individual citizens around me. Congress has undertaken to decide between me and the Government of the United States, whether I have got what would be called a good title or an incomplete one. I am advised by counsel that my title is in some respects incomplete in legal formality, in the legal requisites, but I have got this equity, I have got that equity, and that other equity, and any one of them is quite sufficient to give me in equity a title as against the Government of the United States. But still my title is incomplete; my lawyers so advise me." The court looks over my papers and says, "We must first ascertain whether that title is complete or incomplete before we have any jurisdiction. In looking at your papers we find that your lawyer is mistaken and that you have got a complete title; we turn you out of court. You have got no right to a remedy here, because you have a good title. We can not decide anything for you. We have no jurisdiction. Our jurisdiction is made to depend upon the incompleteness of your title, and when we find it is complete we have no power. You must go to some other court or some other tribunal; we turn you out and you must take the chances."

Those judges' opinion may be a very good one or it may be a very bad one, for many a decision has been made on a bad opinion which stands notwithstanding it is a bad opinion and a bad decision; it stands because of the authority and right of the judiciary to settle questions, to make a finality of litigation.

Now, that is an unfortunate situation, and I can not see the justice of requiring that settler first to determine in his own mind that he must admit he has no legal title, that he has no actual title that binds the Government of the United States before he goes in, and when he gets in there the court says, "We reject the jurisdiction because we find that you have a good title."

That will not do. That is not proper legislation. The court that deals with these questions ought to have the right to decide upon every phase of the title, and in deciding to make a final adjudication, and let that be an end of it. That is all I want to see introduced into this bill. I want the terms of these judges to be for a longer period; at least I want the powers of the court to exist for more than four years; I do not think that is enough. However, we might remedy against that some time later on, if it shall be found that the court is not going to complete its business, as everybody must see it can not, within that period of time.

Here is a multitude of questions. A more vexed and entangled situation was never presented to the contemplation of a legislator than the condition growing out of Mexican land grants in these great sweeps of territory. There is not any problem connected with the Government of the United States that is so intricate, that is so filled with misfortune, if we make a blunder here, to people who are not able to help themselves. I believe when we are legislating we ought to have an especial care of those people who can not help themselves. You pass this law here and it will be two years or three years before a great many of those people will ever find out it is on the statute-book. People living in those little Mexican villages about on the Rio Grande and other places far remote will be a long time in finding out what provision has been made for them, and where to go for relief, and what to do. They should have a court there that can give relief to any man who has a good claim based upon prescription, as we recognize the doctrine of prescription, or upon any statutes of the United States of limitation, or based upon any equities growing out of the Mexican land-grant system. If he has got a good claim let us furnish him a court to settle it.

The objection against this, the only one that I can understand, is that perchance some fraud may get the sanction of this tribunal. After all the provision we make for appeal, for a new trial, really in the Supreme Court here, if the judges see proper so to order it upon the facts, after all the laborious provisions we make in this bill for the sake of preserving the just rights of everybody, the Congress of the United States is to be alarmed out of its propriety upon the idea and the only idea that the judges we are to appoint are to become the mere tools of intriguing men to administer fraud and corruption instead of justice. I do not believe that; I do not fear it.

I should be more afraid even of this Senate than I should of those judges, because the Senate has not got the opportunity of understanding the facts, and there is no human being who can draw a line of distinction and discrimination between these different classes of cases out there and fail to inflict some hardship and some injustice. It is a case over which the powers of the courts of equity ought to rest and prevail, and the judges ought to be permitted in every different case to take the recognized powers of courts of equity and apply them to the decision of the rights of the parties.

So I can not vote for the bill in the strict and narrow form in which it is presented. It seems to be a bill merely to prune off and lop off every possible opportunity for the commission of fraud, and yet you measure the fraud by 11 leagues. You can commit just as big a fraud inside of 11 leagues as you can inside of a thousand. The 11-league grants are just as apt to be fraudulent as the 30-league grants or whatever they may be. It is not the size of the grant at all; that has not anything to do with it; and for us to undertake to cut down the power of the court to administer relief to a certain important area of land amounts to nothing so far as meeting fraud is concerned. That is not the way to do it. The way to do it is through the powers of a court of equity. It is to do it through the all-prevailing sense of justice that we recognize as belonging to our judicial system and the great right of appeal to the Supreme Court of the United States. That is enough. When a man gets that, he gets all we can give him, and he ought to be satisfied, even though he is defeated in his claim.

For that reason, Mr. President, I can not support this bill as it is, and I am very sorry I can not do it, for I should like to concur with this committee. It is a great committee, but I think it has gone over this question and has studied it and has trimmed around it and has been confronted with such clamors about frauds in land grants that it has been driven to an expedient that is unwise, an expedient of legislation to destroy fraud when you can not destroy it in that way. The thing you have got to do is to prune it out through the powers of a court of equity, and after you have done that then you will have some idea that you are doing about right.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 27, 1890, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate the 26th day of September*, 1890.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

E. Burd Grubb, of New Jersey, to be envoy extraordinary and minister plenipotentiary of the United States to Spain, *vice* Thomas W. Palmer, resigned.

Edwin H. Conger, of Iowa, to be envoy extraordinary and minister plenipotentiary of the United States to Brazil, *vice* Robert Adams, jr., resigned.

TERRITORIAL JUDGE OF PROBATE.

Lewis B. Kinney, of Utah Territory, to be judge of probate in Sevier County, in the Territory of Utah. His term expired September 25, 1890.

UNITED STATES ATTORNEY.

Fremont Wood, of Idaho, to be attorney of the United States for the district of Idaho, as provided by act approved July 3, 1890.

REGISTER OF THE LAND OFFICE.

Oscar Palmer, of Grayling, Mich., to be register of the land office at Grayling, Mich., *vice* James K. Wright, to be removed.

RECEIVER OF PUBLIC MONEYS.

S. Perry Youngs, of Stanton, Mich., to be receiver of public moneys at Grayling, Mich., *vice* E. Nelson Fitch, to be removed.

INDIAN AGENT.

Isaac A. Beers, of Arcata, Cal., to be agent for the Indians of the Hoopa Valley agency in California, to fill an original vacancy.

POSTMASTERS.

Prelate D. Barker, to be postmaster at Mobile, in the county of Mobile and State of Alabama, in the place of Leslie E. Brooks, whose commission expired June 18, 1890.

Samuel Mullen, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama, in the place of Thomas J. Bayly, deceased.

John R. Palmer, to be postmaster at Westport, in the county of Fairfield and State of Connecticut, in the place of George F. Thorpe, removed.

Adam D. Rike, to be postmaster at Thomasville, in the county of Thomas and State of Georgia, in the place of Joseph P. Smith, removed.

Albert C. Hotchkiss, to be postmaster at Adel, in the county of Dallas and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Valentine S. Nelson, to be postmaster at Lyons, in the county of Clinton and State of Iowa, in the place of Milton H. Westbrook, whose commission expired June 16, 1890.

Alonzo B. Pearsall, to be postmaster at McGregor, in the county of Clayton and State of Iowa, in the place of John H. Audrick, removed.

Sidney L. Winter, to be postmaster at Woodbine, in the county of Harrison and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Louis L. Campbell, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in the place of Arthur Watson, whose commission expired August 2, 1890.

George P. Huckeby, to be postmaster at Rich Hill, in the county of Bates and State of Missouri, in the place of William T. Marsh, removed.

Mathen D. Fly, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi, in the place of M. D. L. Martin, removed, the nomination of Little J. Scurlock, which was sent to the Senate May 22, 1890, having been withdrawn.

William S. Hamilton, to be postmaster at Greenville, in the county of Washington and State of Mississippi, in the place of Eben R. Wortham, removed.

Jacob M. Harman, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Benjamin A. Lee, to be postmaster at Keyport, in the county of Monmouth and State of New Jersey, in the place of Edmund McKinney, whose commission expired August 2, 1890.

Charles B. Woolley, to be postmaster at Long Branch City, in the county of Monmouth and State of New Jersey, in the place of William R. Joline, whose commission expired June 21, 1890.

Alexander M. Whitcomb, to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico, in the place of Hallum G. Williamson, resigned.

Stephen T. Andrews, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York, in the place of Christopher Whitney, whose commission expired August 3, 1890.

Silas C. Burdick, to be postmaster at Alfred Centre, in the county of Allegany and State of New York, in the place of Terrence M. Davis, resigned.

Henry P. Horton, to be postmaster at Philmont, in the county of Columbia and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Solon H. Johnson, to be postmaster at Clayton, in the county of Jefferson and State of New York, in the place of Seeber McCarn, whose commission expired July 26, 1890.

Frank H. Button, to be postmaster at Corry, in the county of Erie and State of Pennsylvania, in the place of Maxwell Cameron, resigned.

Albert M. Row, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania, in the place of A. Bowman Weaver, removed.

Mrs. Frances J. M. Sperry, to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina, in the place of S. Mortimer Ward, whose commission expired August 2, 1890.

Helen A. Conger, to be postmaster at Waco, in the county of McLennan and State of Texas, in the place of Edward D. Conger, deceased.

George F. Hannay, to be postmaster at Bastrop, in the county of Bastrop and State of Texas, in the place of Charles R. Haynie, removed, the nomination of Neal F. Campbell, which was sent to the Senate June 5, 1890, having been withdrawn.

John S. Snook, to be postmaster at Caldwell, in the county of Burleson and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Roger W. Hulburd, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Charles A. Kirkham, to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin, in the place of Frank L. Clarke, resigned.

Perry C. Wilder, to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in the place of Charles F. P. Pullen, resigned.

PROMOTIONS IN THE ARMY.

*First Regiment of Cavalry.*

Second Lieut. James B. Aleshire, to be first lieutenant, September 20, 1890, *vice* Miller, appointed assistant quartermaster.

*Second Regiment of Infantry.*

First Lieut. Sidney E. Clark, to be captain, September 25, 1890, *vice* Egbert, deceased.

Second Lieut. Virgil J. Brumback, to be first lieutenant, September 25, 1890, *vice* Clark, promoted.

*First Regiment of Cavalry.*

Additional Second Lieut. James Madison Andrews, jr., of the Fifth Cavalry, to be second lieutenant, September 20, 1890, *vice* Aleshire, promoted.

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WITHDRAWALS.

*Executive nominations withdrawn by the President September* 26, 1890.

Little J. Scurlock, to be postmaster at Water Valley, in the State of Mississippi.

Neal F. Campbell, to be postmaster at Bastrop, in the State of Texas.

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## HOUSE OF REPRESENTATIVES.

### FRIDAY, *September* 26, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

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

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 179) granting a pension to Ellen Courtney;
A bill (S. 577) granting a pension to Laura J. Ives;
A bill (S. 626) granting a pension to Mary E. Williams;
A bill (S. 754) granting a pension to James Malin;
A bill (S. 768) granting a pension to Frederick H. Macke;
A bill (S. 1059) granting an increase of pension to William W. Bliss;
A bill (S. 1154) to increase the pension of James Johnston;
A bill (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins;
A bill (S. 1456) correcting the military history of David A. Parkhurst;
A bill (S. 1468) granting a pension to Betsey Mower;
A bill (S. 1480) granting a pension to Wick Morgan;
A bill (S. 1552) granting a pension to Lewis Selden;
A bill (S. 1640) granting a pension to Helen A. Beebe;
A bill (S. 1696) for the relief of Asher W. Foster;
A bill (S. 1705) granting a pension to Ira Manley;
A bill (S. 1706) granting a pension to John Morgan;
A bill (S. 1712) granting a pension to Cynthia A. Gudgell;
A bill (S. 2086) to correct the military record of John Hinsmann, late of Company G, Eleventh Regiment Kentucky Cavalry;
A bill (S. 2216) granting a pension to Mrs. Anna S. Taylor;
A bill (S. 2238) granting a pension to Elizabeth Rumsey, army nurse;
A bill (S. 2560) to increase the pension of Nelson Monroe;
A bill (S. 2597) to remove the charge of desertion from the military record of William S. Bennett;
A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey;
A bill (S. 3183) granting a pension to Amanda M. Smyth;
A bill (S. 3191) for the relief of Albert Shell;
A bill (S. 3332) granting an increase of pension to Margaret E. Pierce;
A bill (S. 3342) granting a pension to Andrew Hopper;
A bill (S. 3414) granting a pension to James Melvin;
A bill (S. 3448) granting a pension to Clara H. McIntire;
A bill (S. 3538) granting a pension to John W. Bennett;
A bill (S. 3560) granting an honorable discharge to Almon Wetmore;
A bill (S. 3756) for the relief of William Elmendorf;

A bill (S. 3816) granting a pension to Margaret D. Marchand;
A bill (S. 3948) granting a pension to Morris Leavy;
A bill (S. 3988) granting a pension to Joseph B. Sellers;
A bill (S. 4209) granting a pension to Henry W. Haley;
A bill (S. 4243) granting an increase of pension to Gurden L. Wight;
A bill (S. 4254) granting a pension to Eliza Wallace;
Joint resolution (S. 128) to correct an error in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890;
A bill (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet requirements of site;
A bill (H. R. 3857) to provide for the disposal of a portion of the United States military reservation at Baton Rouge, La.; and
A bill (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to fire limit of site of post-office and Federal building, Brooklyn, N. Y.

ORDER OF BUSINESS.

Mr. THOMAS. I rise to a parliamentary inquiry. This being private-bill day, I wish to know whether a motion can not be made to take up private bills on the Speaker's table and afterward to consider Senate bills on the Calendar which are not objected to.

The SPEAKER. The motion can not be made except by unanimous consent.

WORLD'S FAIR.

Mr. CANDLER, of Massachusetts. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That a subcommittee, of which the chairman shall be one, be appointed by the chairman of the Select Committee on the World's Fair, to inquire into the progress of the details for the holding of the proposed exhibition, and to examine into the amount of space allotted to the various Government displays and other matters pertaining to the displays of the United States at the said exhibition, and all other matters in connection with said exhibition which may appear to the said subcommittee advisable to report to the House, and to submit the result of said inquiry and examination to this Congress at the beginning of the second session thereof; and the expense of said inquiry and examination be paid out of the contingent fund of the House, and the chairman be authorized to draw for same on the Sergeant-at-Arms in sums not to exceed $500.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOPKINS. I do not see any necessity for the adoption of any such resolution. We already have a national commission that is looking after this matter.

The SPEAKER. Does the gentleman object?

Mr. HOPKINS. Yes, sir.

Mr. FRANK. I hope the gentleman will withdraw his objection.

Mr. HOPKINS subsequently withdrew his objection.

The SPEAKER. The gentleman from Illinois withdraws his objection. Is there further objection?

Mr. HOLMAN. I ask that the resolution be again read.

The resolution was again read.

The SPEAKER. Is there objection? The Chair hears none. The question is on the adoption of the resolution.

Mr. BUCHANAN, of New Jersey. According to the terms of the resolution, as I understand it, while the amount drawn is not to exceed the sum of $500 at any one time, yet the number of times when such sums may be drawn is unlimited. I think there ought to be some limit to the possible expenditure.

Mr. CANDLER, of Massachusetts. It is impossible for us to tell what the amount of the expenditures will be. It can not however be a very large sum. If the gentleman desires to put an amendment on we shall not object; but under any circumstances this is merely a business committee and can not incur any expense beyond what is essential for the purpose contemplated. The demand for it comes not only from our committee, but from the chairman of the board having in charge the exhibit of the United States; we think it important that we should inquire into the multiplication of officers and other expenditures progressing at this time. We do not object to any limitation; but the committee claims, as I have said, that this is purely a business committee and that there will be no unnecessary expenditure.

Mr. CUTCHEON. Can the gentleman form an idea how much it will probably require?

Mr. CANDLER, of Massachusetts. It is impossible to determine.

The SPEAKER. The question is on agreeing to the amendments.

Mr. ANDERSON, of Kansas. Let the amendments be read.

The Clerk read as follows:

Amend by inserting after the word "subcommittee," in line 1, the words "of five;" so that it will read "a subcommittee of five," etc.

Also in the line preceding the last line strike out the words "Sergeant-at-Arms" and insert "Clerk of the House."

The amendments were adopted.

The resolution as amended was adopted.

Mr. CANDLER, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARS OF SPECIAL AND GENERAL TAXES, DISTRICT OF COLUMBIA.

Mr. ENLOE. Let us have the regular order.

Mr. GROUT. Mr. Speaker, on behalf of the District Committee I ask unanimous consent for the consideration of a joint resolution (H. Res. 214) extending the "Act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," to October 31, 1890.

Mr. ENLOE. Is that under consideration?

The SPEAKER. The Chair will state that this is a matter of public importance for the District of Columbia.

Mr. ENLOE. But is it under consideration at the present time?

The SPEAKER. It is not at present, but is necessary legislation for the District.

The joint resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

*Resolved, etc.*, That the provisions of the act approved May 6, 1890, being "An act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," be, and they are hereby, re-enacted and extended to the 31st day of October, 1890.

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

Mr. McCOMAS. I would like to have a statement before giving consent.

Mr. GROUT. The act referred to, approved May 6 last, provided that arrears of taxes paid before July 31 should have 6 per cent. interest only charged upon them and that the penalty and the 2 per cent. provided by another law should be remitted. Before this act, making provision for the settlement of these arrears by the payment of 6 per cent. per annum penalty got through the two Houses it was so late that only a very small proportion of the amount in arrears was paid, something less than $100,000. There is between $300,000 or $400,000 in arrears, if my memory serves me right. I speak from recollection of a statement and understanding I had at the time.

This joint resolution proposes to extend the time to October 31, and the committee believe that a very large proportion of the balance still in arrears will be paid, with 6 per cent. interest, if the opportunity is given under suitable legislation.

Mr. McCOMAS. I have no objection.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

INTERNATIONAL EXPOSITION, MELBOURNE.

Mr. FLOWER. I ask unanimous consent for the consideration of the resolution I send to the desk.

Mr. STIVERS. Mr. Speaker, I rise to submit a privileged report.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. STIVERS. I am directed by the Committee on Printing to report back a resolution referred to the committee, and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of State be, and he is hereby, authorized to have the reports of the United States commissioners to the Centennial International Exhibition at Melbourne, 1888, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office; and that in addition to the usual number there shall be 600 extra copies for the use of the Senate, 1,200 for the use of the House of Representatives, and 1,200 for the use of the Department of State.

The resolution was considered, and adopted.

STEAM-BOAT INSPECTION SERVICE.

Mr. FLOWER. Now, Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk. This, I will state, relates to the steam-boat inspection service.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

Mr. MORRILL. Let it be read for information.

The resolution was read at length. (See page 10522.)

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CANNON. I would like to know from what committee this comes.

Mr. ANDERSON, of Kansas. I object.

Mr. FLOWER. Then, a parliamentary question: Will the resolution go to the Committee on Commerce?

The SPEAKER. It would go properly to the Committee on Merchant Marine and Fisheries.

Mr. FLOWER. I ask its reference there.

The SPEAKER. That can be done under the rule.

Mr. FLOWER. Then I ask the reference under the rule.

CHARGES AGAINST THE POSTMASTER OF THE HOUSE.

Mr. ENLOE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Tennessee rises to a question of privilege. The House will be in order.

Mr. ENLOE. Mr. Speaker, I offer the following, which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is alleged that the Postmaster of the House of Representatives has upon the roll of his employés, at $100 per month, a Mr. Bradley, who works in the Government Printing Office, and that the said Bradley pays $95 of the $100 to the son of Mr. Wheat, who does not work in the House post-office: Therefore,

*Be it resolved*, That the Committee on Accounts be, and they are, directed to investigate the said charge.

[Cries of "Vote!" "Vote!"]

Mr. ENLOE. Mr. Speaker——

The SPEAKER. The question is on the adoption of the resolution.

[Cries of "Vote!" "Vote!"]

Mr. ENLOE. Mr. Speaker, I have something to say concerning that resolution.

The SPEAKER. If the gentleman wishes to address the House he has a right to.

Mr. ENLOE. Yes, I would like to do so, because yesterday when I had the opportunity, as I thought, by dealing fairly with gentlemen on the other side, to have control of my resolution, I was taken off the floor in a way that I thought was rather unusual in this body.

The SPEAKER. The Chair desires to say to the gentleman from Tennessee that the course pursued is not unusual in this body, but, on the contrary, the regular course of procedure.

Mr. ENLOE. I will say that while it might have been regular in a parliamentary sense—and I do not mean to reflect on the Chair in that particular—I say that, in order to give gentlemen on the other side an opportunity to be heard in a matter in which I thought they were interested, I attempted to act fairly in the matter of reserving my time, thinking that on this side we would be heard later; but a gentleman on the other side got the floor to offer an amendment to the resolution, and was accorded the privilege of moving the previous question, and cutting off any opportunity to debate the matter on this side by the mover of the resolution or anybody else. Now I only wanted to deal fairly in the matter. This is another matter that needs investigation, as well as the one that was up yesterday.

I want to say, in reference to the desire of the gentleman to go back and investigate preceding administrations of the House Post-Office, that I had no desire to prevent the investigation of any Postmaster, either of the Forty-ninth, Fiftieth, or any other Congress, but I wanted that resolution to vest discretion in the committee to extend that investigation as far as might be deemed necessary to ascertain where this practice originated, if it did originate prior to the incumbency of the present Postmaster.

I want to say, furthermore, that, so far as I am informed, the amendment which was adopted yesterday to the resolution restricted the investigation simply to the former Postmaster.

The SPEAKER. The gentleman should confine himself to the resolution now under consideration.

Mr. ENLOE. This resolution refers to the present Postmaster. I do not know but what the gentleman from Illinois [Mr. HOPKINS] may want to go further back in regard to this also. I do not know but what he will want to inquire whether Mr. Dalton had a son also, who was paid in the same way.

The SPEAKER. The Chair thinks the gentleman from Tennessee should confine himself to the question of the resolution now presented.

Mr. ENLOE. I have no objection to discussing the present resolution. I want it adopted, and I want the matter investigated, not because I want to delay the investigation, but, on the contrary, I think the committee ought to make an investigation and report to the present session of Congress if it is possible to do so.

Mr. Speaker, I yield a portion of my time to the gentleman from Georgia [Mr. BLOUNT], and I will reserve the remainder of my time and re erve the floor.

Mr. BLOUNT. Mr. Speaker, I shall not occupy the time of the House at any great length. I think this resolution offered by the gentleman from Tennessee this morning illustrates the impropriety of connecting with the investigation ordered yesterday of the Postmaster of the House the investigation of the Postmaster of two preceding Congresses. The Postmaster of this House, the present incumbent, is charged with the duties pertaining to that office. On yesterday there was an allegation that, by virtue of authority to make a contract for carrying the House mail, he assumed the right to make a contract with a person who would agree to pay him $150 a month for making that contract. With so vital an allegation as that before the House, with this man now in office, the majority side of the House embarrassed the committee with the investigation of the affairs of the Postmaster of two former Congresses.

The SPEAKER. The Chair thinks the gentleman from Georgia [Mr. BLOUNT] should confine himself to the present resolution.

Mr. BLOUNT. Sometimes it appears that the Chair sees that gentlemen on this side of the House are out of order much more quickly than when the other side are violating the rules of the House for partisan purposes.

The SPEAKER. But in some instances gentlemen are much more clearly out of order.

Mr. BLOUNT. That depends on whose vision is employed, Mr. Speaker.

The SPEAKER. The Chair desires to call the attention of the gentleman from Georgia to the resolution——

Mr. BLOUNT. Yes, I understand.

The SPEAKER. And to ask that he will confine the discussion to that. This is a question of privilege, and the Chair will have to leave it to the gentleman from Georgia.

Mr. BLOUNT. Mr. Speaker, I will leave it to the Speaker of this House, and end it there, as to whether or not there shall be more restraint of this side in matters of this sort than there has been time and again on the other side of the House. It was only the other day when the matter of a question of privilege was pending, while a vote of censure, a vote to expunge from the RECORD the speech of Mr. KENNEDY was pending, he was permitted to go on for twenty minutes in the presence of the House reaffirming the speech that the House was then condemning.

The SPEAKER. Did the gentleman from Georgia object?

Mr. ENLOE. Did the Speaker object?

Mr. BLOUNT. I am coming to the resolution. The Speaker, I understand, has a very plain duty in this matter of objection as well as members.

The SPEAKER. The Chair did not hear anything in the remarks of the gentleman from Ohio which he thought called for his interference. He was allowed by the House to make an explanation.

Mr. BLOUNT. And it was a reiteration of the offense.

Mr. STRUBLE. No one in this House made objection to it, either before or during its delivery.

Mr. BLOUNT. No; nor in the delivery of the first speech; no, no, nor the Speaker either. It was a beautiful type of the dignity of the House.

Mr. BUCHANAN, of New Jersey. "The Speaker" was not here.

The SPEAKER. The gentleman from Georgia does not mean to incorporate in his remarks a statement that the present occupant of the chair was here when that speech was made?

Mr. BLOUNT. I did not say "the present occupant of the chair."

The SPEAKER. You said "the Speaker."

A MEMBER. It was the Speaker *pro tempore*.

Mr. BLOUNT. The present occupant of the chair was not here.

The SPEAKER. The Chair desires to have that correction made at least.

Mr. BLOUNT. "The gentleman from Georgia" will certainly not do the Chair nor anybody else any injustice in anything; but, Mr. Speaker, I will come back to this resolution. I am willing to acquiesce in the ruling of the Chair; and I do hope that with this man who is now in office, who one day, it appears, is making a contract illegal in the eyes of the commonest, plainest man of this country, criminal, indecent, intolerable, and that on the next day appears in an allegation (and I understand it comes from a source likely to be followed with proof) that he has on the rolls of the House of Representatives a man who is at work at the Government Printing Office, pretending to pay him $100 per month, when in fact $95 of the money is going to his son, the Committee on Accounts will act promptly in this matter in relation to this employé. I do not want anybody else to escape.

Mr. ENLOE. Mr. Speaker, I do not see my colleague [Mr. HOUK] in his seat, or he might probably have an opportunity to offer the amendment which he tried to offer yesterday to suspend this Postmaster during the progress of th s investigation. He was denied that opportunity yesterday; and I think if he were here this morning I might allow him an opportunity to offer such an amendment.

I want to say, furthermore, Mr. Speaker, on this subject, that there has been a great deal of criticism, in which I have shared, perhaps, more liberally than any member on this side of the House, for conduct here, which was supposed to be in violation of parliamentary rules. I suppose that I have had the credit of being knocked down oftener by the Speaker in matters of this sort than anybody else; and I am glad, indeed, to be ab e to get up again every morning to receive a fresh knockdown. [Laughter.]

I want to say right now that when I am treated fairly and have justice there is no man in this body who is more disposed to deal fairly with others than I; but when a question was up the other day involving a question of privilege, the resolution in reference to the speech of the gentleman from Ohio [Mr. KENNEDY] was taken out of my hands by the action of the majority, referred to a committee and brought back in a shape that, so far as I am concerned, looked to me as if we were engaged in the sublimest farce that has been witnessed in this House since its inauguration—and we have had many farces—and the chief actor in that farce was permitted to repeat everything that he had said.

The SPEAKER. The gentleman is mistaken. He repeated nothing at all contained in the speech alluded to.

Mr. ENLOE. That is very true.

The SPEAKER. Then, if that is true, the gentleman ought not to state to the contrary.

Mr. ENLOE. He was permitted to reaffirm everything he had said here in his former speech. That is a matter which does not especially concern me if the House is willing that these things shall be done; but when I undertook to discuss a matter of privilege——

The SPEAKER. If the gentleman desires to complain of infractions of the rules he ought to do it in a manner conforming with the rules of the House; and the Chair would suggest to the gentleman that the resolution under consideration is the matter that should be considered.

Mr. ENLOE. I understand that; but I have seen the Chair allow gentlemen, in debating questions of privilege, to take very wide range in the discussion of those matters——

The SPEAKER. What gentlemen?

Mr. ENLOE. A number of gentlemen, without interrupting the gentlemen, both on that side of the House and on this. On a question of privilege one morning I noticed that the Speaker, if he wants me to specify, allowed the gentleman from Arkansas to speak for one hour on a question of privilege, and during that one hour——

The SPEAKER. What gentleman from Arkansas?

Mr. ENLOE. Mr. ROGERS. The gentleman took the whole range of the Speaker's rulings.

Mr. KERR, of Iowa. Was not his speech in the main an attack on the Speaker?

Mr. ENLOE. And the Chair sat and received it very gracefully till he got tired.

The SPEAKER. It is very true that the gentleman alluded to and other gentlemen have made attacks upon the Chair which ought not to have been permitted.

Mr. ENLOE. That is very true.

The SPEAKER. That is true.

Mr. ENLOE. But I want to say, Mr. Speaker, that when we are settling these little affairs——

The SPEAKER. The Chair will state to the gentleman that the question is on the resolution, and the House is not settling these other affairs.

Mr. ENLOE. Very well; I will address myself to the resolution. It comes with no sort of propriety from the occupant of the chair—I will not say the present occupant, for obvious reasons, but for any occupant of the chair—to indulge in wit, sarcasm, and ridicule at the expense of members on the floor when they have no opportunity to reply.

The SPEAKER. The Chair calls the gentleman to order. The gentleman will address himself to the question under consideration.

Mr. ENLOE. That is the adoption of the resolution, Mr. Speaker, and I think that it is a pertinent resolution and ought to be adopted. I think it is one that the dignity of this House requires should be adopted, and that this committee should be urged in every way possible to go forward and make this investigation; and if it is necessary, in order to have an investigation of the matter, that we shall go back and investigate every preceding Congress, then let us have an investigating committee that will sit perpetually and investigate everything.

Mr. HILL. Will the gentleman permit a question?

Mr. ENLOE. Yes, sir.

Mr. HILL. I would like to inquire if the resolution which the gentleman introduced yesterday does not cover this same matter.

Mr. ENLOE. That is a point that might possibly be a subject of controversy in the committee, and we do not want any controversy about it. I thought that possibly the resolution introduced yesterday might cover this, but there are gentlemen who have doubts about it, and, as I have said, we do not want any doubt about the right of the committee to inquire into any matter of this sort.

Mr. HILL. What is your own opinion upon that point?

Mr. ENLOE. My opinion, so far as I am individually concerned, is that the resolution of yesterday would cover the matter, but the members of the committee must be satisfied about that, and there must be no room left for doubt. For that reason I have offered this resolution, and I call now for the previous question upon it.

Mr. CASWELL. I desire to say just one word.

The SPEAKER. The gentleman from Tennessee [Mr. ENLOE] has moved the previous question.

Mr. CASWELL. Mr. Speaker, can I be allowed a word?

The SPEAKER. Only by the House voting down the previous question.

The question was taken on the motion of Mr. ENLOE, and the previous question was ordered.

The resolution was adopted.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The Chair desires to recognize first certain gentlemen who wish to present public business. The gentleman from Iowa [Mr. STRUBLE] is recognized.

TOWN SITES IN OKLAHOMA.

Mr. STRUBLE. Mr. Speaker, I have been directed by the Committee on Territories to ask unanimous consent for the present consideration of the bill which I send to the desk. I wish to say to the House that I have letters from the Secretary of the Interior, one addressed to the Speaker and one to myself, setting forth the importance of the passage of this bill.

The bill (H. R. 11627) to authorize the issuance of subpœnas for the attendance of witnesses before town-site trustees in Oklahoma was read, as follows:

*Be it enacted, etc.*, That in proceedings before town-site trustees appointed under the act entitled "An act to provide for town-site entries of lands in what is known as Oklahoma, and for other purposes," approved May 14, 1890, any board of such trustees shall have authority to issue subpœnas for the attendance of witnesses before said board at such time and place as may be designated therein: *Provided*, That such witnesses shall be entitled to the same fees as witnesses before the district courts of the Territory of Oklahoma, and that the party applying for the issuance of a subpœna shall be required to deposit a sum sufficient to pay said fees.

SEC. 2. That in any case where a witness fails or refuses to obey a subpœna issued as herein provided, or where a witness in a proceeding before any such board refuses to answer legal and proper questions, the said board is authorized to certify the facts with respect to the failure or refusal of the witness to appear or refusal to testify to the nearest district court of the Territory of Oklahoma, and such certification shall confer upon said court the jurisdiction to hear and determine said matter, with the power to punish as in cases of contempt in said court.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

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

Mr. STRUBLE 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.

Several members on both sides of the House addressed the Chair.

Mr. COGSWELL was recognized.

Mr. TRACEY. It seems to me that this side of the House ought to get some recognition now.

The SPEAKER. The Chair desires to say a word upon that subject and asks the attention of the House. There are a great many matters of public business which naturally come from the majority side of the House, so that it sometimes seems as if more members were being recognized on one side than upon the other, but the Chair does not consider that recognitions of gentlemen for the presentation of public matters are in the nature of individual recognitions or should be so counted. The Chair has tried his best to equalize recognitions between the two sides, and the fact that there is a larger number of members on the majority side seeking recognition seems to show that he has to a great extent succeeded. The Chair is glad to say this, because there may have been some misunderstanding on the subject.

Mr. ENLOE. Mr. Speaker, I make application now for the first vacancy on this side. [Laughter.]

THOMAS NILES.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being a bill (S. 181) for the relief of the estate of Thomas Niles, deceased.

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 personal representatives of Thomas Niles, deceased, late of Gloucester, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $6,050, in full compensation for damages to the land of the said Thomas Niles, deceased, near Gloucester, Mass., by the erection of a permanent fort thereon by the United States in 1863, for the defense of the harbor of Gloucester.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ENLOE. Mr. Speaker, I would like to inquire what committee this comes from.

Mr. COGSWELL. It comes from the Committee on War Claims.

Mr. ENLOE. Let us have the report read.

Mr. COGSWELL. The report is somewhat lengthy, and I think I can make a statement of the case which will take less time than the reading of the report.

The SPEAKER. The reading of the report is demanded. The Clerk will read.

The report (by Mr. SIMONDS) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 181) for the relief of the estate of Thomas Niles, deceased, have considered the same, and respectfully report:

That this claim was presented to the Fifty-first Congress, and a report was made in regard to it by the Committee on Claims on the 30th of January, 1890. As the examination by your committee has led them substantially to the same results with those arrived at by the Committee on Claims of the Senate, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee recommend that the bill referred to them do pass.

[Senate Report No. 203, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 181) for the relief

of the estate of Thomas Niles, deceased, have considered the same, and respectfully report:

We adopt the favorable report of the Committee on War Claims of the House of Representatives, made in the Forty-third Congress, and adopted by the Committee on Claims of the Senate in the Fiftieth Congress.

We annex the report, which we adopt, and recommend the passage of the bill.

[House Report No. 435, Forty-third Congress, first session.]

The Committee on War Claims, to whom was referred the petition of the heirs of Thomas Niles, deceased, late of Gloucester, Mass., having considered the same, report:

That when apprehensions were entertained in 1863 that our eastern coast might be visited and injured by rebel privateers an examination was made (at request of governors and other citizens of coast States) of the shores, localities selected, and projects made for temporary field-works for the protection of a number of the exposed towns and harbors. Gloucester was one of the towns embraced in this scheme of protection, and a position for a battery was selected at Eastern Point, which proved to be Mr. Niles's land.

The property was entered upon by authority of the Secretary of War, as was done in a number of other instances, and a work was constructed upon it to defend the town from injury.

After the close of the war negotiations were entered into with a number of the proprietors of these sites for the purchase of their land for defensive purposes. Generally the prices asked by the owners were so large that no agreement to buy was concluded, and the undertakings failed. This was the case with Mr. Niles. April 18, 1868, the Chief of Engineers reported upon a reference of a letter of Mr. Niles to the Secretary of War asking "immediate removal of the fortifications erected on his land and payment for the damage;" that all that was perishable of the work [fort] was going to decay; the guns, ammunition, and other property were in the care of an ordnance sergeant and a soldier or two, and recommended that all the armament and public property be withdrawn and the position abandoned; that no rent or damages had been paid in such cases from the appropriations under control of the Chief of Engineers; and also, as claims of this kind were proper subjects for the examination and determination of the Claims Commission or a like tribunal, that Mr. Niles be left to pursue his remedy in that way.

July 6, 1868, the Secretary of War directed that a board of officers be appointed to examine into the justice of the claim of Mr. Niles for the occupation of his land and the construction of works thereon.

General Foster, of the Corps of Engineers, General Pelouze, assistant adjutant-general, and General De Russy, of the Third Artillery, were appointed a board to ascertain and report particularly the cost of putting the grounds as near as possible in the same condition as when the Government took possession; the damage still occasioned to the land and the injury and loss of personal property so far as the Government was responsible therefor; and a reasonable rent during the period of occupation.

The board reported the use and occupation of said land as constituting a valid claim against the United States, and the cost of putting the grounds as nearly as possible in the same condition as when the Government took possession at $6,050. For the damage done to the land and personal property, so far as the Government was responsible therefor (as corn crops destroyed, vegetables, grass land, stone, etc.), the board proposed that the United States give to Mr. Niles the temporary buildings erected for the use of the garrison near the fort, estimated worth $6,200, as ample compensation for that class of personal claims. The board also believed $8,237.50 a reasonable rent for the property during the period of occupation.

The report of the board was approved by the Secretary of War, accepted by Mr. Niles, and the Chief of Engineers directed to make payment; but the Chief of Engineers, in view of a decision of the Second Comptroller that claims for damages should be referred to Congress, asked specific instructions September 4, 1868. In reply, the Secretary of War, upon the recommendation of the Claims Commission, approved the payment of but $8,237.50, for rent, and, for other items (restoration and damages to personal property, etc.), that the claimant be referred to Congress. Payment for rent was accordingly made by General J. G. Foster, Corps of Engineers, in the second quarter of 1868, and the Chief of Engineers, by direction of the Secretary of War, instructed General Benham, February 6, 1869, to notify Mr. Niles that possession by the United States would terminate on sale of buildings, etc.; and April 15, 1869, General Benham notified Mr. Niles accordingly, the sale of the buildings having been effected.

It appears from the evidence in this case that the land of Mr. Niles was highly valued for the purpose of erecting seaside cottages and residences, and that had he been allowed the use of the land during the period it was occupied by the Government he would have received at least four times the amount awarded by the board.

Your committee are of the opinion the amount so awarded ($6 050) is no more than a fair compensation, if it is even that, and consider the action of a board composed of able army officers of long military experience, specially appointed for the purpose, as conclusive upon this point; and, regarding the claimant as not only legally but also equitably entitled to relief in consequence of the damage he has sustained by the action of the Government, report the accompanying bill, and recommend its passage.

Mr. KILGORE. Mr. Speaker, I can not understand from the reading of the report the exact status of this case, but if I caught it aright the owner of this property has already received nearly $10,000 in rent, and this is a proposition to pay him an extra amount by way of damages growing out of the construction of this fort. I would like to inquire of the gentleman in charge of the bill whom this property belongs to now.

Mr. COGSWELL. It belongs to the same family that owned it when the Government took possession of it, and this appropriation is to enable them to put the land in the same condition in which it was found by the Government. Here was a valuable property for building, the most valuable seaside property in this country, held at even a higher figure than property at Newport. The Government came along, took the property, erected its fort, and then abandoned it; and this bill is to appropriate money enough to put that property back in as good condition as it was when the Government took it.

Mr. KILGORE. Did the Government pay this man rent?

Mr. COGSWELL. The Government paid rent, but it paid nothing for the damages to which the military board found he was entitled. They paid nothing for that because they said their appropriation would not enable them to do so, and that he would have to go to Congress, and they further said that the amount paid for rent was not one-quarter of what the property would have brought for other purposes.

Mr. KILGORE. How long did the Government occupy the property?

Mr. COGSWELL. About five years, I think.

Mr. RICHARDSON. I would like to inquire how long the Government occupied this property and how much was occupied.

Mr. COGSWELL. The occupation extended over about five years.

Mr. RICHARDSON. How many acres were there?

Mr. COGSWELL. I can not give the exact acreage; it was not more than 3 or 4 acres; but on that shore, where there is probably the most valuable property of that character in the country, lots sell for a higher figure, I presume, than on Massachusetts or Connecticut avenues in this city. This man lost his rent and the use of his property, or three-fourths of it. This bill proposes, in accordance with the recommendation of the military board, to give him enough to put that land in the condition in which it was when the Government took it, dug it up, built its fort there, and then after five years abandoned it.

Mr. RICHARDSON. I do not intend to object to the consideration of this measure; but, as I understand, the amount carried by the bill is intended as compensation to the owner of this property for the damages done to his real estate by the building of this fort. Now, I want to ask the gentleman whether he thinks this is a departure from the precedents which have been set by the Government in hundreds of cases growing out of like occupation of property (some of it within sight of this Capitol) during the war?

Mr. COGSWELL. So far as I understand, the precedent set by this Government is that it does not pay its debts when it can avoid doing so, and if this is a departure from that policy I thank God. [Laughter.]

Mr. RICHARDSON. I would like to ask the gentleman this further question: If a like measure should be presented for the payment of damages done to real estate on my side of the line—I mean south of the line—will the gentleman stand by me and help to make compensation to loyal men for similar damages suffered during the war?

Mr. COGSWELL. Every time.

Mr. RICHARDSON. All right.

The SPEAKER. Is there objection to the consideration of this bill? The Chair hears none. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. ENLOE. Mr. Speaker, I am not willing that this bill should pass without stating my objection to it.

The SPEAKER. Does the gentleman desire to address the House?

Mr. ENLOE. I would like to say just a word or two.

The SPEAKER. The gentleman has that right. The question is on the passage of the bill.

Mr. ENLOE. I did not want to object to the consideration of this bill; but it looks to me, Mr. Speaker, as if this were, as suggested by my colleague [Mr. RICHARDSON], a departure from the general policy of the Government. In addition to that I can not understand how it is that when this man has received $10,000 for the occupation of his land——

Mr. COGSWELL. Eight thousand dollars.

Mr. ENLOE. Well, $8,000, $2.000 an acre, assuming that there were 4 acres, the utmost amount which the gentleman claims to have been occupied. Two thousand dollars an acre is a pretty good price for land——

A MEMBER. In Tennessee.

Mr. ENLOE. Yes, it is a pretty good price for land in my country and possibly anywhere around Washington. Two thousand dollars per acre ought to have bought that land. And now after this amount has been paid as rent, to come back here and propose to pay this man $1,000 or $1,500 per acre additional, besides giving him back his land, does not look to me like a fair proposition.

Mr. COGSWELL. I suppose this land is worth anywhere from $30,000 to $50,000 an acre, if a man is fortunate enough to own such land.

Mr. ENLOE. The misfortune is that there are some of us in this country who have not many acres——

Mr. COGSWELL. I am one of those.

Mr. ENLOE. And I want to protect those who have no acres; I do not want the Government with my consent to give a man as damages more than his land is worth.

Mr. COGSWELL. Oh, this is not a case of that kind.

Mr. ENLOE. I am not in favor of this bill and do not want it to pass, and I protest against it.

The question being taken, the bill was passed; there being—ayes 110, noes 17.

Mr. COGSWELL 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.

REFUND OF DUTIES ON IMPORTED ARMS.

Mr. TRACEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk and that it be now put on its passage.

The Clerk read as follows:

A bill (H. R. 597) to refund duties paid by the State of New York on arms imported in 1863.

Whereas an act entitled "An act to remit duties on arms imported by States," approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, have expired by limitation: Therefore

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, the duties paid by the State of New York on arms imported in 1863, amounting to the sum of $42,796.87, which sum includes the premium paid in the purchase of gold for the payment of said duties: *Provided*, That the Secretary of the Treasury shall be satisfied that the said arms were purchased in good faith for the use of the troops of the State of New York organized to aid in suppressing the then existing insurrection against the United States.

Mr. HOLMAN. I think the report should be read.

The Clerk proceeded to read the report (by Mr. STONE, of Kentucky), which is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 597) to refund duties paid by the State of New York on arms imported in 1863, report as follows:

That this claim was presented to the Forty-ninth Congress, and a report was made in regard to it by the Committee on War Claims, on the 23d of March, 1886. As the examination by your committee has led them to the same results with those arrived at by the committee of 1886, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee therefore recommend that the bill referred to them do pass.

[House Report No. 1297, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5011) to refund duties paid by the State of New York on arms imported in 1863, having examined the same and accompanying papers, submit the following report:

This claim is for duties paid by the State of New York on arms imported in 1863 and used in arming troops that were mustered into the service of the United States.

The foreign cost of the arms has been repaid by the United States, but the cost of importation has never been refunded. The application made by the State that it might be released from paying the duties was denied, for the reason that the act to remit duties on arms imported by States, approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, had expired by limitation.

It is evident that, the foreign cost of the arms having been repaid by the United States, that part of their cost that the State was compelled to pay to the United States should also be refunded.

It seems to your committee that the duties paid were quite as much a part of the cost, charges, and expenses to the State in arming the troops as the original cost of the arms.

The duties were paid in gold, and at a time when the premium on gold was very high, which, of course, increased largely the expense of the State.

Your committee therefore recommend that said State of New York be reimbursed the amount of said duties paid on arms purchased by said State in 1863, and thus used in arming troops which were mustered into the service of the Federal Government, and that said bill do pass.

Mr. HOLMAN (interrupting the reading). I do not ask for the further reading of the report, but I suggest to the gentleman from New York [Mr. TRACEY] that we are trenching upon very dangerous ground in providing for the payment of premium in a case like this. If the amount in the bill be reduced so as to correspond with the sum actually paid, I have no objection.

Mr. TRACEY. If the gentleman insists on that point, I have prepared an amendment——

Mr. HOLMAN. The Government has never been in the habit of paying premiums in cases of this kind.

Mr. TRACEY. I will offer, then, an amendment reducing the amount by $10,000.

The Clerk read as follows:

Strike out all after "of," in line 7, down to and including the word "provided," in line 10, and insert "$30,940.36."

Mr. HOLMAN. That would be the amount without the premium?

Mr. TRACEY. Yes, sir.

Mr. STEWART, of Vermont. This amendment strikes out the premium?

Mr. TRACEY. Yes, sir.

Mr. KERR, of Iowa. I wish to inquire what committee has reported this bill?

Mr. TRACEY. The Committee on War Claims.

Mr. KERR, of Iowa. Did the committee investigate this matter themselves or simply adopt the former report?

Mr. TRACEY. They had all the facts before them. The gentleman from Kentucky [Mr. STONE] has made a report of this character in several Congresses.

Mr. STONE, of Kentucky. The Committee on War Claims has investigated this matter in three different Congresses and found the amount stated in the bill to be correct.

The SPEAKER. Is there objection?

Mr. ANDERSON, of Kansas. I object.

Mr. TRACEY. If the gentleman from Kansas will give me his attention a moment, I think he will withdraw his objection.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

Mr. ENLOE. Let us have the regular order.

Mr. BINGHAM. In view of the demand for the regular order, I move to dispense with private business for the purpose of getting to business on the Speaker's table, which is loaded down with bills.

Mr. THOMAS. This, Mr. Speaker, is private-bill day, and we have not had very many such days. I will ask, if the motion of the gentleman from Pennsylvania shall prevail, would it prevent a motion afterwards to go to the Private Calendar?

The SPEAKER. As the Chair understands the gentleman from Pennsylvania, he desires to reach certain bills on the Speaker's table, after which the Private Calendar could be taken up.

Mr. THOMAS. So that after the business on the Speaker's table is disposed of it will be in order to move to proceed with the Private Calendar?

The SPEAKER. It will.

Mr. BINGHAM. My desire is to dispense with private business for the present.

The SPEAKER. The Chair so understands. The gentleman from Pennsylvania has some public bills, and the Chair thinks after they are read the House will agree to consider them.

Mr. BREWER. Before that, Mr. Speaker, I hope the bill called up by my colleague will be considered.

The SPEAKER. But the regular order is demanded.

Mr. ENLOE. I think we had better have the regular order. There are a number of bills that will not be considered in any other way; and perhaps there will be a little more justice done than in the recognitions that are going on at present.

Mr. BREWER. I ask the gentleman to withhold his demand for the present.

Mr. ENLOE. I am willing to have business on the Speaker's table disposed of.

The SPEAKER. The gentleman calls for the regular order. The Chair understands that the gentleman does not object to the consideration of the bills on the Speaker's table to which the gentleman from Pennsylvania refers? The gentleman from Pennsylvania moves that private business be dispensed with for the present, and he states that it is his purpose to bring up two public bills.

Mr. ENLOE. What two bills?

The SPEAKER. Two bills on the Speaker's table relating to the postal service.

Mr. ENLOE. I am willing that private business shall be dispensed with for that purpose.

The SPEAKER. In the absence of objection, the Private Calendar will be dispensed with for the consideration of the two bills——

Mr. ENLOE. No; not specially for the two bills, but only for the bills on the Speaker's table, without limit. I make the request in that shape. Otherwise I shall not agree to it.

Mr. PETERS. I understand the gentleman desires to include all the business on the Speaker's table. I also wish to have that done.

The SPEAKER. Is there objection that bills on the Speaker's table be taken up as on public-bill day?

There was no objection, and it was so ordered.

STATUE OF LAFAYETTE.

The SPEAKER. Before proceeding with business on the Speaker's table the Chair desires to lay before the House the joint resolution of the Senate to enable the commission having charge of the location and erection of the statue to the memory of General Lafayette to execute the purpose expressed in the concurrent resolution of August 28. The Clerk will read the joint resolution.

The Clerk read as follows:

*Resolved, etc.*, That to enable the commission created by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890, and to complete a new site for the said statue, the sum of $5,000 or so much thereof as may be necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the aforesaid commission.

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

There being no objection, the joint resolution was considered and ordered to a third reading; and being read the third time, was passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-STATION AND FOG-SIGNAL, BRADDOCK'S POINT, NEW YORK.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 573) for the establishment of a light-station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York.

The Senate amendments were read, as follows:

In line 3, after the words "light-station," insert "at Braddock's Point;" and insert section 2, as follows:

"SEC. 2. That there be placed and provided at the Charlotte light station, Lake Ontario, New York, a fog-whistle, at a cost not exceeding $4,300."

Also amend the title to conform.

Mr. BAKER. I move that the House concur in the Senate amendments.

The motion was agreed to.

JAMES T. HUGHES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1268) to perfect the military record of James T. Hughes.

The Senate amendments were read at length.

The SPEAKER. The question is on concurring in the amendments of the Senate.

The amendments were concurred in.

JOHN MILROY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1358) to remove the charge of desertion against John Milroy, and authorizing his honorable discharge.

The amendments were read at length.

Mr. CUTCHEON. Mr. Speaker, I move that the House concur in the Senate amendments to this bill.

The motion was agreed to.

D. H. MITCHELL.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 4367) for the relief of D. H. Mitchell.

The amendments of the Senate were read at length.

Mr. MORRILL. I move that the House concur in the Senate amendments.

Mr. KERR, of Iowa. I would like to know the effect of concurrence.

Mr. MORRILL. The amendment of the Senate simply corrects a mistake in the figures made by the House. It adds $9.98 to the amount of the claim. There was an error in the computation and the Senate corrected that error.

The motion of Mr. MORRILL was agreed to.

ARCHIBALD HUNLEY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5067) for the relief of Archibald Hunley.

The amendments were read at length.

Mr. CUTCHEON. Mr. Speaker, I move that the House non-concur in the Senate amendments and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. OSBORNE, Mr. LANSING, and Mr. LANHAM as conferees on the part of the House.

MARIA L. CARAHER.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 8210) granting an increase of pension to Maria L. Caraher.

The Senate amendment was read at length.

Mr. MORRILL. I move to concur in the Senate amendment.

The motion was agreed to.

PRIVATES AND NON-COMMISSIONED OFFICERS, UNITED STATES ARMY.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 8394) to amend chapter 67, volume 23, of the Statutes at Large of the United States.

The Senate amendment was read, as follows:

In line 18 of the printed bill, before the words "Marine Corps," insert "Navy or."

Mr. CUTCHEON. I am directed by the Military Committee to move that the House concur in the Senate amendment.

Mr. HOLMAN. Before that motion is submitted I wish the bill to be read so that we can see the relation of the amendment to the bill.

The bill was read at length.

Mr. CUTCHEON. The only change in the House bill is to insert the words "or Navy," so as to provide that if a man served in the Navy he gets the same benefit as if his service had been in the Army or Marine Corps.

The Senate amendment was concurred in.

GEORGE MURRAY.

The SPEAKER also laid before the House the bill (H. R. 10083) for the relief of George Murray, with Senate amendments.

The Senate amendments were read at length and concurred in.

ROAD TO NATIONAL MILITARY CEMETERY NEAR ALEXANDRIA, VA.

The SPEAKER also laid before the House the bill (H. R. 7666) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city, with Senate amendments.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *September* 19, 1890.

*Resolved*, That the bill from the House of Representatives (H. R. 7666) entitled "An act making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the national military cemetery near that city" pass with the following amendments:

Line 4, strike out all after "gravel," down to and including "appropriation," line 10, and insert:

"For macadam road and approaches from the national military cemetery near the city of Alexandria, Va., via Wilkes street to the intersection of said street with Alfred street, in said city: *Provided*, That a right of way be granted to the United States by the city of Alexandria of at least 50 feet in width, or the full legal width of Wilkes street, to Payne street, and thence 30 feet in width from that point to the national cemetery, passing between the two private cemeteries."

Mr. KERR, of Iowa. Mr. Speaker, I desire to know how much money this bill appropriates.

The SPEAKER. The House bill appropriates $7,000.

Mr. KERR, of Iowa. How much is added to it, if anything, by the Senate amendment?

The SPEAKER. Nothing is added to the amount of the appropriation in the House bill.

Mr. CUTCHEON. I think we had better non-concur and ask for a conference.

Mr. BUCHANAN, of New Jersey. It seems to me, after giving as good attention as I could to the reading of the amendment, that the Senate bill provides for the macadamizing of a portion of the streets of Alexandria.

The SPEAKER. Upon that point the Chair has no information. The question is on concurring with the Senate amendment.

Mr. CUTCHEON. Is a conference asked in this case?

The CLERK. No, sir.

Mr. CANNON. I wish to ask a question. If the Senate changes the purpose of an appropriation so as to make it an appropriation for the purpose of macadamizing the streets of a city, under the guise of constructing a road to a military cemetery, is not that such a change and such an appropriation as would require first consideration in Committee of the Whole?

The SPEAKER. The Chair at present can see no reason why it should be. The amount appropriated is not in any way changed.

Mr. FARQUHAR. Let us have non-concurrence and ask for a conference.

Mr. CANNON. It seems to me if you appropriate the money of the United States to the construction of a macadamized road in an incorporated city of 10,000 inhabitants it is such an appropriation as makes a charge upon the Treasury, and if it was presented in the House for the first time it would require its consideration in Committee of the Whole.

Mr. CUTCHEON. Mr. Speaker, I move non-concurrence with the Senate amendments.

Mr. CANNON. Let us see about that. Should not this go to the Committee of the Whole?

The SPEAKER. The Chair can see no reason why it should. The Chair is unable to see how it would be possible for the Senate to amend a House bill that made an appropriation without making it obnoxious to the reasoning presented by the gentleman from Illinois.

Mr. CANNON. The Chair holds that it would have to be first considered in the Committee of the Whole?

The SPEAKER. That it would not.

Mr. CANNON. I want to make myself understood. If the House makes an appropriation for one object and the Senate amends the bill in such a way as to divert the money to another object, and if by that it escapes the point of order, it seems to me the rule means nothing, if that can be done.

Mr. TRACEY. The rule is for the House, not for the Senate.

The SPEAKER. The presumption is that the appropriation is for the same purpose.

Mr. CANNON. Ah, but here is the presumption combated.

The SPEAKER. The Chair does not think so.

Mr. BUCHANAN, of New Jersey. Put it in conference.

Mr. CUTCHEON. I move to non-concur in the Senate amendments, and that a conference be asked with the Senate.

The motion was agreed to; and the Speaker appointed the following conferees on the part of the House: Mr. WILLIAMS of Ohio, Mr. KINSEY, and Mr. LANHAM.

PUBLIC LANDS.

The SPEAKER also laid before the House the bill (H. R. 10639) to amend section 2, act of May 30, 1862.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *September* 19, 1890.

*Resolved*, That the bill from the House of Representatives (H. R. 10639) to amend section 2, act of May 30, 1862, pass with the following amendment:

Line 2, after the words "Congress assembled," insert the words "That section 2399 of the Revised Statutes of the United States be amended so as to read."

Line 3, strike out "That the" and insert "Section 2399. The."

Amend the title so as to read:

"An act to amend section 2399 of the Revised Statutes of the United States on the subject of contracts for land surveys."

Mr. HOLMAN. Mr. Speaker, I think there ought to be some explanation of that. The reading of the amendments throws no light upon it. Let us have the bill read.

The SPEAKER. The gentleman desires the text of the House bill read. The Clerk will report it.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the printed manual of surveying instructions for the survey of the public lands of the United States, and private land claims, prepared at the General Land Office, and bearing date December 2, 1889, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual, or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States, and private land claims.

The SPEAKER. The Clerk will now report the Senate amendments.

The Clerk read as follows:

In line 2, after the words "Congress assembled," insert the words "That section 2397 of the Revised Statutes of the United States be amended so as to read." In line 6 strike out the word "that" and insert the words "Section 2397," and amend the title so as to read: "An act to amend section 2397 of the Revised Statutes of the United States."

Mr. KERR, of Iowa. It seems to me that unless the Committee on Public Lands know the effect of the amendment there ought to be at least a conference, so that we might know something about the effect.

The SPEAKER. Does the gentleman from Iowa move to non-concur and appoint a committee of conference?

Mr. KERR, of Iowa. I do.

The motion was agreed to.

So the House non-concurred in the Senate amendment, and the committee of conference was ordered.

DANIEL W. SELLECK.

The SPEAKER also laid before the House the bill (H. R. 2106) to remove the charge of desertion against Daniel W. Selleck with a Senate amendment.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed to remove the charge of desertion from the military record of Daniel W. Selleck, as a private of Company B, of the Ninth Regiment of Indiana Volunteers, and substitute therefor, 'discharged from the military service on the 26th day of February, 1864, by reason of being under the age of eighteen years, and of having enlisted and re-enlisted without the knowledge or consent of his parents;' and further, to issue to said Selleck a discharge as of date February 26, 1864, by reason of being under the age of eighteen years and having enlisted without the knowledge or consent of his parents."

Mr. WILLIAMS, of Ohio. I move to concur in the Senate amendment.

The motion was agreed to.

EULOGIES ON THE LATE HON. JAMES LAIRD.

The SPEAKER also laid before the House the joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird, with Senate amendments.

The amendments of the Senate were read, as follows:

In line 3 strike out the word "six" and insert the word "ten." In line 3, after the words "two thousand," insert the words "five hundred;" and in line 4 strike out the words "four thousand" and insert the words "seven thousand five hundred."

Mr. RICHARDSON. I do not see the chairman of the Committee on Printing in his seat. Therefore, I move to concur in the Senate amendments.

Mr. HOLMAN. I hope the original text will be read, so as to show the effect of the amendments.

Mr. RICHARDSON. I can state for the information of the gentleman that the joint resolution as it passed the House provided for the printing of 6,000 copies. It is increased to 10,000, and I will state that that is 2,000 less than the usual number printed. The resolution for the printing of 6,000 was passed at the request of the gentleman who succeeded Mr. Laird; and it is right and proper to concur in the Senate amendments.

The amendments of the Senate were concurred in.

J. L. CAIN AND OTHERS.

The SPEAKER also laid before the House the bill (H. R. 2990) for the relief of J. L. Cain and others, with a Senate amendment.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert:

"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, the respective sums of money as hereinafter provided to the respective persons named herein, or to their heirs or legal representatives, to wit, for cotton taken by order of General A. E. Burnside to strengthen the fortifications at Knoxville, Tenn., November 17 and 18, 1863, to wit, J. L. Cain, 6 bales, less his proportion of the loss of the 95 bales, 2⅛ bales, equals 3⅜ bales, at 75 cents per pound, $1,461.25; Hugh G. Kyle, administrator of A. A Kyle, deceased, 7 bales, less his proportion of the 95 bales lost, 2⅛ bales, equals 4⅝ bales, at 75 cents per pound, $1,711.25; Alexander Kennedy, 10 bales, less his proportion of the loss of the 95 bales, 3⅛ bales, equals 6⅝ bales, at 75 cents per pound, $2,463.25; W. C. Hazen, surviving partner of G. M. Hazen, deceased, 34 bales, less his proportion of the loss of the 95 bales, 11⅜ bales, equals 22¼ bales, at 75 cents per pound, $8,308.25.

Mr. HOLMAN. I ask for the reading of the original text, so as to learn what the effect of the amendment will be.

Mr. HOPKINS. I make the point of order on that bill that it should be considered in Committee of the Whole.

Mr. STONE, of Kentucky. The effect of the Senate amendment is to reduce the amount provided by the House bill making the appropriation to pay these gentlemen.

Mr. HOLMAN. Is there any new item of appropriation in the Senate amendment?

Mr. STONE, of Kentucky. There is no new item. This simply reduces the amount, and I move to non-concur in the Senate amendment and agree to the conference asked.

Mr. HOPKINS. I would ask the Chair if the rule does not require that this bill should be considered in Committee of the Whole.

The SPEAKER. It does not. The Chair understands there was an appropriation made by the House bill. That appropriation has been amended by the Senate bill; but it is not a new item of appropriation.

Mr. STONE, of Kentucky. There is no new item in the bill.

The SPEAKER. If there were a new item in the bill it would have to be considered in Committee of the Whole.

Mr. STONE, of Kentucky. I move to non-concur in the Senate amendment and agree to the conference asked.

The motion was agreed to.

MRS. MARY B. CUSHING.

The SPEAKER also laid before the House the bill (H. R. 11773) granting an increase of pension to Mrs. Mary H. Cushing, with a Senate amendment.

The Senate amendment was read, as follows:

In line 2 strike out the letter "H" and insert in lieu thereof the letter "B."

The Senate amendment was concurred in.

JUNCTION CITY AND FORT RILEY STREET RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes, with House amendment disagreed to by the Senate, on which a conference was asked.

Mr. CUTCHEON. I move that the House insist upon its amendment, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER subsequently announced as conferees Mr. WILLIAMS, of Ohio, Mr. KINSEY, and Mr. LANHAM.

EXAMINATION OF CERTAIN OFFICERS OF THE ARMY.

The SPEAKER also laid before the House the bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein, with amendments of the House disagreed to by the Senate, on which a conference was asked.

Mr. CUTCHEON. Mr. Speaker, I am directed by the Committee on Military Affairs to ask the House to insist upon its amendments and to agree to the conference asked, and therefore make that motion.

The motion was agreed to.

The SPEAKER subsequently announced as conferees on the part of the House Mr. CUTCHEON, Mr. OSBORNE, and Mr. WHEELER, of Alabama.

TO REPEAL CERTAIN SECTIONS OF THE REVISED STATUTES.

The SPEAKER also laid before the House the bill (S. 3996) to repeal sections 3952 and 3953 of the Revised Statutes of the United States.

The bill was read, as follows:

*Be it enacted, etc.*, That sections 3952 and 3953 of the Revised Statutes of the United States be, and the same are hereby, repealed.

Mr. BINGHAM. Mr. Speaker, the Senate bill just read is identical with House bill 9794. If the House desires the reading of a brief report, without reading the long letter of the Postmaster-General, I think gentlemen will be thoroughly informed. If, however, a brief statement is required, I will make it.

Mr. STEWART, of Vermont. What are the sections repealed?

Mr. CASWELL. Let us have a brief statement.

Mr. BINGHAM. Sections 3952 and 3953 are the sections to be repealed.

Mr. STEWART, of Vermont. Will the gentleman state the substance of the sections?

Mr. BINGHAM. Section 3952 of the Revised Statutes requires in the bidding for star routes, which occurs once in every four years, the country being divided into four sections, that the bidders shall be held responsible for their bids until the route is occupied by either the successful bidder or those who are indicated by the Department, and until it is being successfully operated. That has been found to be provocative of failure and largely against the interests of the local bidders. As an illustration, the bids are opened in February or March and the lowest bidder is duly notified that his bid is accepted. The other bidders, ten, twelve, or twenty in number, knowing that the lowest bid has been accepted, sell out their stock, abandon all intention of doing mail work, and go into other occupation. The lowest bidder fails to do the work. Then, under the present statute, the next lowest bidder takes it up, and the original bidder is held responsible only for the difference between his bid and the next bid. If this is repealed, the general statute will require the successful bidder and his security, when the route is relet, to pay the difference between the re-letting and his rate. The Department is of opinion that this will be productive of a better service, and the experience has been an experience of failure instead of success.

The next section refers to the deposit of a 5 per cent. check or draft as against bids on routes over $5,000. If the bidder fails he pays the difference between his bid and the bid next to his, in addition to the forfeiture of the check. That has not worked successfully, for the reason that in the country sections, local bidders, while they can get satisfactory sureties for the faithful performance of the service, are sometimes unable to get friends to put up the 5 per cent. on bids over $5,000. There are sometimes ten or fifteen bidders on a route. This law holds up in the Post-Office Department for four, five, or six months, this body of checks to the great inconvenience of every unsuccessful bidder. The officers of the Department assert unqualifiedly that the repeal of these two

sections will be in the interest of a better service and in the interest of competition among local bidders at the termini of the routes.

Mr. PERKINS. Mr. Speaker, just a word by way of supplement to what the gentleman from Pennsylvania has said, and in illustration of how the present law works. A constituent of mine was one of the bidders for a star-route service. He was notified that the lowest bidder was the successful one and that his own bid was not accepted. After receiving that notification he disposed of his stock, his horses and wagons, and all the stock that he had prepared for the carrying of the mail, and engaged in other business; and now he is notified that the lowest bidder has failed to carry out his contract and that he is required to take up the work. If this requirement is enforced it will involve a sacrifice on his part of several thousand dollars.

Mr. SAYERS. Is not that a general rule of the Department?

Mr. PERKINS. It is the law, and this bill proposes to change the law in that particular, which certainly ought to be done.

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

Mr. BINGHAM 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.

By unanimous consent, the House bill (H. R. 9794) of like purport was laid on the table.

SNOWDON & MASON.

The SPEAKER also laid before the House a bill (S. 1195) for the relief of Snowdon & Mason.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the claims of Snowdon & Mason for further compensation for the construction of the iron-clad monitors Manayunk and Umpqua may be submitted by said claimants, within six months after the passage of this act, to the Court of Claims, under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractors for building the iron-clad monitors Manayunk and Umpqua, in completion of the same, by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work: *Provided*, That such additional cost in completing the same, and such changes or alterations in the plans and specifications required, and delays in the prosecution of the work, were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contractors and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractors by the Government over and above the original contract price for building said vessels shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expenses to the contractors than the original plan and specifications a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimants.

The SPEAKER. The question is upon ordering the bill to a third reading.

Mr. HOLMAN. Mr. Speaker, is not that bill subject to consideration in Committee of the Whole?

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. It provides for an appropriation.

The SPEAKER. It does not.

Mr. HOLMAN. It contemplates an appropriation.

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. The last clause of the bill certainly contemplates that something shall be paid, because it provides that the sum heretofore paid shall be deducted.

The SPEAKER. The Chair understands this to be the same as the bill heretofore passed upon by the Chair and by the House.

Mr. THOMAS. Mr. Speaker, this is the same kind of a bill that the Committee on War Claims have reported and that is now on the Calendar. It is exactly similar to the McKay bill. It involves no appropriation whatever. It submits the case to the court under all the safeguards that it is possible to provide. The fact is, as the gentleman from Indiana [Mr. HOLMAN] will probably recollect, that in the building of these monitors the Government stopped the work repeatedly, thereby causing great delay and great expense to the contractors. They tore down and retore down and rebuilt those vessels. It was pretty much like making a contract for the building of an ordinary house, and then compelling the contractor to tear it down and build this Capitol. Apart from the delay, the expense was greatly increased. There was a great rise in material. Iron rose from $65 to $200 a ton, and wages from $2.50 to $5 or $6 per day. All these elements enter into the question of damages. These parties have been seriously damaged by the action of the United States. The Selfridge board had this case submitted to them, and they allowed this claim.

Mr. HOLMAN. Then this is a claim that has been already acted upon by the proper board?

Mr. THOMAS. This is one of the claims that a proper board has acted upon, and that board found that the Government was indebted to these parties.

Mr. HOLMAN. And that amount was paid?

Mr. THOMAS. No, it never was paid. That is the trouble. It never has been paid or allowed. The Selfridge board was a board organized by the Senate, and it inquired into these claims.

Mr. HOLMAN. That Selfridge board was never recognized.

Mr. THOMAS. Well, there was no other board that was authorized to pay anything.

Mr. HOLMAN. Now, as to the matters to which my friend from Wisconsin [Mr. THOMAS] refers, the extension of the time, and so on, all that was provided for in the contracts in these cases.

Mr. THOMAS. The gentleman from Indiana will find that this bill submits the question fairly and squarely to the court whether the Government ought to pay these parties the damage actually suffered by reason of its own changes of plan, damages which the Selfridge board, a tribunal organized by the Secretary of War under a resolution of the Senate, decided ought to be paid. That board was organized by the Secretary of War and was composed of some of the very best officers of the United States. They, after careful examination, allowed this claim; but the Senate and the Committee on War Claims of the House believed it due to the Government of the United States that instead of appropriating the amount allowed by the Selfridge board this case should go into court and the parties be required to prove their claim by competent evidence under the safeguards provided in this bill, which are the same as those that have been provided in the McKay bill and similar bills.

Mr. HOLMAN. How did it happen that this case did not go before the Marchand board?

Mr. THOMAS. Well, it was not presented to that board, I believe, because it was recognized that the board would not take cognizance of any of these cases. The Marchand board construed the law under which they were organized so as not to admit any of these claims. But the Selfridge board examined the facts in the case, and, as I can show to the gentleman by their report, allowed all that is claimed in this case.

Mr. HOLMAN. It will readily be seen that the Government is at a great disadvantage in going before the Court of Claims after twenty-five or thirty years.

Mr. THOMAS. The Government ought never to be afraid to go into the Court of Claims to adjudicate a claim which has been recognized and sanctioned by regular naval boards after careful investigation. The advantage on the side of the Government is this: that it is proposed, instead of appropriating the amount allowed by the board, that these parties be compelled to prove their damages before the court.

Mr. HOLMAN. Certainly the Government is placed at great disadvantage in meeting such a claim after twenty-five or twenty-eight years, when the witnesses may be dead.

Mr. KERR, of Iowa. I wish to ask whether this bill is identical with a House bill that has been favorably reported?

Mr. THOMAS. It is, in every particular.

Mr. KERR, of Iowa. Then I suppose no point of order can be made against it.

The SPEAKER. The question is on ordering the bill to a third reading.

The question being taken, it was determined in the affirmative; there being on a division (called for by Mr. HOLMAN)—ayes 59, noes 22.

The bill was read the third time, and passed.

The SPEAKER. If there be no objection, House bill No. 7245, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its disagreement to the House amendments to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota, agreed to the request for a conference on the disagreeing votes thereon, and had appointed Mr. PLUMB, Mr. PADDOCK, and Mr. PASCO conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 8715) granting a pension to Rhoda Buck.

The message further announced that the Senate had passed with amendment the bill (H. R. 10265) to authorize the construction of a bridge across the Altamaha River, asked a conference with the House thereon, and had appointed Mr. VEST, Mr. SAWYER, and Mr. DOLPH conferees on the part of the Senate.

The message further announced that the Senate had passed with amendment, in which concurrence was requested, the bill (H. R. 10086) granting leaves of absence to clerks and employés in first and second class post-offices.

The message further announced that the Senate agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

A bill (S. 1840) granting a pension to Sallie Douglass Hartranft; and

A bill (S. 4) authorizing the establishment of a public park in the District of Columbia.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 573) granting an increase of pension to Mark F. Carter;

A bill (S. 712) for the relief of Stockbridge tribe of Indians in the State of Wisconsin;

A bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence; and

A bill (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones.

MOBILE, JACKSON AND KANSAS CITY RAILROAD.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3798) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Missouri.

The Clerk proceeded to read the bill.

Mr. CLARKE, of Alabama (interrupting the reading). Mr. Speaker, this is a bridge bill in the ordinary form, and I ask that the further reading be dispensed with.

There being no objection, the reading was dispensed with.

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

The SPEAKER. In the absence of objection, House bill No. 11062, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

LOUISVILLE AND PORTLAND CANAL BASIN.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3801) authorizing the use of the Louisville and Portland Canal basin on certain conditions.

The bill was read, as follows:

*Be it enacted, etc.*, That the written contract by and between the city of Louisville, the Louisville and Portland Canal Company, and John P. Byrne, made in the year 1870, under which the firm of Byrne & Speed, of Louisville, Ky., constructed a basin on the south side of the Louisville and Portland Canal, above Fifteenth street, and also erected buildings, with elevator machinery therein, on land then the property of the Louisville and Portland Canal Company, now the property of the United States, is ratified and confirmed, subject, however, to the following modifications and provisions, to wit: Byrne & Speed, their assignees and grantees, are hereafter to pay to the United States of America, for the use of the land, an annual rental of $250, to be paid semi-annually, through the officer in charge of the canal.

They shall not erect any additional buildings of any kind, but may keep in repair those now standing, or may reconstruct them or any part thereof, in case of destruction by fire or from other cause.

SEC. 2. That when, in the opinion of the Secretary of War, the use of said basin or buildings shall become prejudicial to the canal or its use, he shall detail a commission of not less than three nor more than five officers of the Engineer Corps of the United States Army, with orders to assemble in Louisville, and to decide whether the use of the said basin or buildings is prejudicial to the canal or its use.

Said commission shall cause notice to be given to Byrne & Speed, or their assigns, of the time and place of their sitting, and shall, after hearing any evidence offered by Byrne & Speed, or by the officer representing the Government, proceed to hear and determine the matter submitted to them, and if they find that the use of the said basin or buildings is prejudicial to the canal or its use, they will also assess and find the value of the excavation and masonry of the basin made and erected by Byrne & Speed in the construction of said basin, and upon the payment or tender by the Secretary of War of the sum so fixed Byrne & Speed shall remove within six months their buildings from the canal property, discontinue the use of said basin, and relinquish all claims under the above-mentioned contract.

A copy of the finding of the commission shall be furnished to Byrne & Speed, or their assigns.

SEC. 3. That the ratification provided in this act shall not take effect unless within ninety days from its passage Byrne & Speed shall file with the Secretary of War their written acceptance of its provisions, and in the event Byrne & Speed, or their assigns, shall at any time fail for the space of six months to pay any installment of rent due under this act their right to occupy the property herein mentioned shall at once cease.

The bill was ordered to a third reading.

Mr. BUCHANAN, of New Jersey. I would like to hear some explanation of the bill. It seems to make a contract between the Government and some private parties.

Mr. ANDERSON, of Kansas. From what committee does it come?

Mr. CARUTH. This bill has passed the Senate. A similar House bill has been considered by the Committee on Rivers and Harbors of the House and favorably reported. The passage of this measure is recommended by the Chief Engineer of the United States Army and by the engineer in charge of the work at Louisville. There has been a dispute as to the title of this property, and this bill is designed to settle that dispute. The measure has the approval of all the Government officers having cognizance of the matter.

Mr. BUCHANAN, of New Jersey. Let me call the gentleman's attention to that part of the bill which provides that the measure shall not take effect until its provisions are accepted by certain parties.

Mr. CARUTH. By Byrne & Speed.

Mr. BUCHANAN, of New Jersey. Will not that acceptance operate to create a contract between them and the United States which Congress can not repeal?

Mr. CARUTH. It will not, except so far as the provisions of this bill are concerned. The bill which I originally introduced in this House was sent to the War Department. That Department prepared the present bill, and has submitted it for the approval of Congress. It has also been favorably considered by the Committee on Rivers and Harbors.

Mr. BUCHANAN, of New Jersey. Was the bill drawn by a warrior or a lawyer? [Laughter.]

Mr. CARUTH. I do not know.

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

The SPEAKER. If there be no objection, House bill No. 8549, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The Chair desires to announce that the gentleman from Kentucky [Mr. BRECKINRIDGE], who was appointed as one of the conferees on the deficiency appropriation bill, will be absent; and, without objection, the Chair will appoint in his place the gentleman from Georgia [Mr. CLEMENTS].

BOOK-MAKING AND POOL-SELLING IN THE DISTRICT OF COLUMBIA.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3830) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming.

The bill was read, as follows:

*Be it enacted, etc.*, That it shall be unlawful for any person or persons, or association of persons, in the District of Columbia, to bet, gamble, or make books and pool on the result of any trotting race of running race of horses, or boat race, or race of any kind, or on any election, or contest of any kind.

SEC. 2. That any person or persons, or association of persons, violating the provisions of this act shall be fined not exceeding $500 nor less than $25, or be imprisoned not more than ninety nor less than thirty days, or both, at the discretion of the court: *Provided*, That this act shall not interfere with the right of the Washington Jockey Club, duly organized under the laws of the District of Columbia, or any other regular organizations owning race tracks not less than 1 mile in length, and grounds of not less than 75 acres in extent, located within the District of Columbia, to make books and sell pools at their semi-annual or special meetings. The right to make books and sell pools by such organizations shall be on their grounds, and only on the days of their spring and fall meeting.

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

The SPEAKER. If there be no objection, House bill No. 10388, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

EAGLE PASS WATER-SUPPLY COMPANY, ETC.

The SPEAKER, as the next business on the Speaker's table, laid before the House the bill (S. 3852) to authorize the Eagle Pass Water-Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.

The bill was read, as follows:

*Be it enacted, etc.*, That the Eagle Pass Water-Supply Company, a corporation organized and created under and by virtue of the laws of the State of Texas, and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz, created under and by virtue of the laws of the State of Coahuila, one of the states of the Republic of Mexico, be, and are hereby, authorized and empowered to construct, own, maintain, and operate their water connection by tubes, or otherwise, across the Rio Grande River, between the city of Eagle Pass, in the State of Texas, and the city of Porfirio Diaz, formerly known as Piedras Negras, in the state of Coahuila, in the Republic of Mexico, as may be most convenient to said corporations: *Provided*, That said connection shall not interfere with the free navigation of said river, and in case of any litigation arising from an obstruction, or alleged obstruction, to the free navigation thereof, caused, or alleged to be caused, by said connection of their water pipes or hydraulic connections, the case may be tried before the district court of the United States for the western district of Texas: *And provided also*, That Congress reserves the right to withdraw the power and authority conferred by this act in case the free navigation of the river shall at any time be substantially or materially obstructed by said connections or pipes, or for any other reasons, and to direct the removal of said pipes or connections, or necessary modifications thereof, at the cost and expense of the owners of said pipes or connections, and Congress may at any time alter, repeal, or amend this act: *And provided further*, That the consent of the Mexican state of Coahuila and of the proper authorities of the Republic of Mexico shall have been obtained before the establishment of said pipes and connections.

Mr. CRAIN. I ask the present consideration of this bill.

The SPEAKER. It is not necessary. The bill is before the House.

Mr. KERR, of Iowa. Is this bill identical with a House bill which has been favorably reported?

The SPEAKER. It is.

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

The SPEAKER. In the absence of objection, House bill No. 6966, identical in its provisions with the Senate bill just passed, will be laid on the table.

There was no objection.

BRIDGE ACROSS THE ILLINOIS RIVER.

The SPEAKER also laid before the House the bill (S. 3895) to amend an act entitled "An act to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Farrowtown, in Calhoun County, in the State of Illinois," approved March 3, 1883.

Mr. WIKE. Mr. Speaker, I ask unanimous consent that the reading of this bill be dispensed with. It is in the ordinary form of a bridge bill.

Mr. KERR, of Iowa. I make the point of order that no motion has been made or authorized in regard to the bill by any committee of the House.

The SPEAKER. The Chair understands that this bill was retained on the table at the request of the committee.

Mr. WIKE. And is identical with the House bill.

The SPEAKER. The Chair will state further, that in no instance have bills been put on the table except where it was understood that such was the case.

In the absence of objection, the reading of the bill will be dispensed with, and the question is on ordering the bill to be read a third time.

There being no objection, the bill was ordered to a third reading; and being read the third time, was passed.

The bill H. R. 10270, of the same title, was ordered to be laid on the table.

BRIDGE ACROSS THE ALABAMA RIVER.

The SPEAKER also laid before the House the bill (S. 3952) to authorize the construction of a bridge across the Alabama River, at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company.

The SPEAKER. The Chair would inquire if this is also in the ordinary form of bridge bills.

Mr. HERBERT. It is.

The SPEAKER. In the absence of objection, the reading of the bill will be dispensed with.

There was no objection, and it was so ordered.

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

Mr. HERBERT 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 SPEAKER. The House bill of the same title will be laid upon the table.

CANAVERAL AND SOUTH FLORIDA RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same, in each case, as a post-road.

Mr. DAVIDSON. Mr. Speaker, this is the ordinary form of bridge bill.

The SPEAKER. Without objection, the reading will be dispensed with.

There was no objection, and it was so ordered.

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

The SPEAKER. The House bill of the corresponding title will be laid upon the table.

SENECA NATION OF NEW YORK INDIANS.

The SPEAKER also laid before the House the bill (S. 4297) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

The bill was read, as follows:

*Be it enacted, etc.*, That whenever the leases of land situate within the limits of the villages mentioned in the act of Congress entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases," approved February 19, 1875, except leases to railroads, shall by the terms of said act be renewable, the same shall be renewable for a term not exceeding ninety-nine years, instead of the term of twelve years, as therein provided, subject to all other terms and conditions of said act.

Mr. ANDERSON, of Kansas. I would like to know something about that bill before it is put on its passage.

Mr. HOLMAN. I think the bill ought to go to the Committee on Indian Affairs. I make that motion.

Mr. PERKINS. I will say, Mr. Speaker, that the House committee considered a like bill and reported it favorably. The circumstances are better known and understood by the gentleman who represents the district [Mr. LAIDLAW]; but he does not seem to be in his seat at present. The committee, however, gave this matter careful consideration.

Under the existing law these Indians are authorized to make leases of their lands for a shorter period of time than that provided for in the bill. There is a large growing town situated on the reservation, and they occupy grounds under leases that are authorized by existing law. But the limited period for which leases can be made restricts in a great measure, as they claim, the growth and development of the city. They say that parties are not willing to invest the necessary money to establish manufacturing activities and enterprises of like character on the ground with the limit that the leases are confined to under existing law.

Mr. ANDERSON, of Kansas. What is the limit?

Mr. PERKINS. My recollection is twelve years.

Mr. ANDERSON, of Kansas. What is the increase proposed?

Mr. PERKINS. This increases it to ninety-nine years.

The committee thought it to be in the interest of the Indians themselves, as well as in the interest of the people who are living in the town, now growing rapidly, as well as for the interest of all parties concerned, to authorize these leases.

I will say that this is a terminus or end of a division of the New York Central, or a branch of the New York Central road, and is a very important railroad center.

Mr. CHEADLE. Let me ask the gentleman a question. How are these leases to be readjusted, or is any provision made for that?

Mr. PERKINS. My recollection is that there is no provision in the bill for the readjustment of the leases.

Mr. CHEADLE. There ought to be a readjustment periodically after a certain number of years, I think.

Mr. PERKINS. No such provision was in the House bill, and my recollection is that there is none in the Senate bill.

Mr. JOSEPH D. TAYLOR. That can be provided by contract.

Mr. PERKINS. That can be provided by contract, as suggested by the gentleman from Ohio, and the committee did not deem it necessary to insert such a provision.

Mr. HOLMAN. Has the gentleman any information as to the views of the Indians in regard to the leases for ninety-nine years, and also on the readjustment question?

Mr. PERKINS. The gentleman from Indiana made the same inquiry. The bill does not provide for it, but, as suggested by the gentleman from Ohio, it can be provided for in the leases or contracts. The committee thought it unnecessary to insert such a provision in the House bill.

Mr. HOLMAN. But my inquiry was as to the views of the Indians themselves.

Mr. PERKINS. They are a bright people, and had intelligent representatives before the committee. They seem to be living almost entirely, perhaps to their own misfortune, on the rents or annuities they receive from the lands.

Mr. ANDERSON, of Kansas. What is the size of the town?

Mr. PERKINS. It has now some fifteen or eighteen thousand inhabitants.

Mr. KERR, of Iowa. I make the point of order that there has been no motion made by the Committee on Indian Affairs to substitute the Senate bill for the House bill. I think that is necessary as a guaranty of safe legislation.

The SPEAKER. The Chair thinks the gentleman should make the point prior to the discussion, and not afterwards.

Mr. KERR, of Iowa. I think there has never been any consent asked by the Chair up to this time.

The SPEAKER. It is not necessary that the Chair should submit the request.

Mr. KERR, of Iowa. But if the gentleman from Kansas will say that this is identical with the House bill I will make no further objection.

Mr. PERKINS. It is the same; but the House committee has taken no action since the bill passed the Senate, and so I have not been authorized to ask this action on the part of the House. The House committee, however, considered the bill carefully before reporting it.

The SPEAKER. Does the gentleman from Iowa insist?

Mr. KERR, of Iowa. I withdraw my point of order.

The SPEAKER. The point of order is withdrawn and the question is on the third reading of the bill.

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

The House bill of similar import was ordered to lie on the table.

BRIDGE ACROSS THE ARKANSAS RIVER AT DARDANELLE, ARK.

The SPEAKER also laid before the House the bill (S. 4334) to authorize the building of a bridge at Dardanelle, Ark., across the Arkansas River.

Mr. PEEL. Mr. Speaker, I understand that the House committee have reported a bill precisely similar to that; therefore I ask that the reading be dispensed with.

Mr. BAKER. The committee have reported a similar bill, and have instructed me to ask that this bill be substituted for it and passed, as it is the same as the House bill.

There being no objection, the first formal reading of the bill was dispensed with.

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

The House bill of similar import was ordered to lie on the table.

THE PORTLAND COMPANY.

The SPEAKER also laid before the House the bill (S. 473) for the relief of the Portland Company, of Portland, Me.

The bill was read, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the steam-machinery built for the United States vessels Agawam and Pontoosuc by the Portland Company, of Portland, Me., under its contracts with the Navy Department in August, 1862,

cost the said contractor over and above the contract price and allowances for extra work, for which payment has been made, and to enter judgment in favor of said Portland Company for the same: *Provided*, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session, and stated at $80,867.46.

SEC. 2. That at the hearing or on the trial of any suit or suits so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relative to or competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as is now provided for in other cases.

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

The House bill of similar import was ordered to lie on the table.

NEW YORK INDIAN LANDS IN KANSAS.

The SPEAKER also laid before the House the bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas.

The Clerk read as follows:

*Be it enacted, etc.*, That those persons, being heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are bona fide claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for 320 acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding 160 acres, according to the Government surveys, at $2.50 per acre, payment to be made in cash at time of purchase; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for and to be paid to said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of twelve months from the passage of this act shall be offered at public sale, in the usual manner, at not less than $3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold shall be thereafter subject to private entry at $3 per acre.

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. The question is on the third reading of the bill.

Mr. HOLMAN. I move the reference of this bill to the Committee on Indian Affairs. I do not think a bill like that ought to pass, fixing so low a price upon land as $2.50 an acre. I do not think so small a price as that is just to the Indians. The land is undoubtedly worth a great deal more.

Mr. PERKINS. Mr. Speaker, I would like to suggest to the gentleman from Indiana [Mr. HOLMAN] that these settlers have been in possession of these lands for a quarter of a century, and have been trying from year to year to get this matter adjusted. There is not a particle of objection on the part of the Indians or their friends to the provisions of this bill. The matter has been reported by the Committee on Indian Affairs of the House at least six times, and all who are familiar with the circumstances recognize not only the propriety but the necessity of this legislation.

Mr. HOLMAN. The bill has always been objected to upon the ground that it manifestly did the Indians an injustice. These lands, I suppose, are worth from $10 to $20 an acre, and the proposition is to sell them for $2.50 an acre.

Mr. PERKINS. But the adjoining land was sold to settlers, at the time the settlers occupied this land, for $1.25 an acre.

Mr. HOLMAN. Certainly; but that was Government land, and this land is the property of the Indians.

Mr. PERKINS. There is a very grave question whether this is not Government land, and whether these certificates have any validity whatever, but the Committee on Indian Affairs, recognizing that these Indians had an equity, have at all times reported in favor of paying them what seems fair and right for the land. The gentleman from Arkansas [Mr. PEEL] will verify the statement that I have made. When he was chairman of the Committee on Indian Affairs a similar bill was reported favorably by the committee, and it has been reported repeatedly.

Mr. PEEL. I desire to say to my friend from Indiana [Mr. HOLMAN] that after a careful investigation of this case I came to the conclusion that the Indians really had no title that they could enforce.

Mr. HOLMAN. The Government has been recognizing their title for these thirty years.

Mr. PEEL. They only have the right of occupancy. Under the certificates they could only occupy the land. The present surroundings are of such a character that it is impossible for them to do that. Therefore it is proper that whatever can be got for the lands should be paid over for the benefit of the Indians and their descendants.

Mr. HOLMAN. At the same time the Indians ought to have the benefit of the full value of the lands.

Mr. PEEL. I do not remember the exact price fixed in the former bill.

Mr. HOLMAN. I think that no one will pretend to say that lands in that part of Kansas, situated as they are situated, are only worth $2.50 an acre.

Mr. PEEL. We thought the price fixed then was very fair, considering the poor title the Indians have.

Mr. HOLMAN. The Government is recognizing the title of the Indians now, and has always recognized it.

Mr. PERKINS. The amount fixed in the bill gives these Indians the value of these lands when the settlers located upon them, and almost 5 per cent. interest per annum from that time until the present time.

Mr. HOLMAN. That is to say, Government lands were then held at $1.25 an acre for the purpose of encouraging settlement, but these Indians stand on a different footing. This is their property, and they have a right to have a fair price for it.

Mr. LANSING. How came the settlers to occupy these lands in the first place?

Mr. PERKINS. At one time the Secretary of the Interior issued his proclamation declaring them to be public lands, and it was at that time that the settlers located there.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] to refer this bill to the Committee on Indian Affairs.

The motion was rejected.

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

The House bill of similar import was ordered to lie on the table.

WASHINGTON IRON-WORKS.

The SPEAKER also laid before the House the bill (S. 1187) for the relief of the Washington Iron-Works.

The bill was read, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims to inquire into and determine how much the steam machinery built for the United States vessel Lenapee by the Washington Iron-Works, under its contract with the Navy Department, cost the said contractor over and above the contract price and allowances for extra work, and to enter judgment in favor of George M. Clapp, of the Washington Iron-Works, for the same: *Provided*, That the judgment shall not exceed the sum allowed by the board convened in pursuance of a resolution of the Senate of the United States, dated March 9, 1865, of which Thomas O. Selfridge was the president, the said allowance being set forth in Senate Executive Document No. 18, Thirty-ninth Congress, first session.

SEC. 2. That at the hearing or on the trial of any suit so commenced either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to and competent upon the issues joined between the parties, and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I think the House ought to have some explanation of this bill. There seems to be a crop of them.

Mr. HOLMAN. Mr. Speaker, I make the point of order that this bill should receive its consideration in Committee of the Whole.

Mr. THOMAS. Mr. Speaker, this bill is identical with the House bill reported by the Committee on War Claims. There is no appropriation in it. It is simply a bill to permit them to go to the Court of Claims, and provides that the claim shall be presented to the Court of Claims.

The facts out of which this bill arises, Mr. Speaker, are the same as those of the Portland Company, or almost identical with them, that passed the House a few minutes ago. These parties entered into a contract—I say entered—they were compelled to enter into a contract. The Government said: "If you do not take the contract we will take possession of your works and construct this engine ourselves." They were assured by the Chief Engineer, whose testimony I have here, that the weight of the engine should not exceed by 15 per cent. that of the Paul Jones. When the drawings and specifications were completed the engine was figured out as exceeding by 66 per cent. the weight of the engines of the Paul Jones. There was the usual delay in this as in all of those cases, the party being compelled to hold their machinery in their yards, and all their men during this time, when there was a great increase of wages.

This case was submitted to the Selfridge board, a board which was organized by the Secretary of War, and they found that this was in every way fair, straight, and honest, and made the allowance of what these parties claim; and this bill provides that the court shall not allow an amount to exceed the amount then found to be due them.

Mr. ANDERSON, of Kansas. How much was that?

Mr. THOMAS. That allowance was $29,164.24. This submits the facts in the case to the Court of Claims, the same as in the other cases that have been passed here. [Cries of "Vote!" "Vote!"]

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

The bill (H. R. 5888) for the same purpose was ordered to be laid on the table.

POSTMASTERS' BONDS.

The SPEAKER also laid before the House the bill (S. 4039) to amend sections 3834, 3836, and 3837 of the Revised Statutes, and for other purposes.

The bill was read at length, for information.

Mr. HOLMAN. I hope there will be some explanation of this bill. It is a fairly good bill, but I hope there will be some explanation of it. I did not hear the first part of the bill read.

The SPEAKER. It is a bill within the jurisdiction of the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. But that committee is not authorized to report at any time.

Mr. BLOUNT. Is that a House bill?

The SPEAKER. It is a Senate bill, similar to a House bill.

Mr. BLOUNT. I hope it will be passed over for the present.

Mr. HEMPHILL. I think the chairman of the Committee on the Post-Office and Post-Roads is temporarily absent.

The SPEAKER. Without objection, it will be laid aside temporarily.

Mr. BLOUNT. I was not present when the bill was reported, and do not want to give it my indorsement or opposition.

WILLIAM J. MARTIN.

The SPEAKER also laid before the House the bill (S. 4064) for the relief of William J. Martin.

The bill was read, as follows:

*Be it enacted, etc.*, That the claim of William J. Martin, of Oregon, heretofore presented to the War Department, being a balance of $7,520 alleged to be due and owing to him under his contract for beef-cattle, made with Lieut. G. W. Hawkins in June, 1849, and for the delivery of beef-cattle under such contract for the use of the Army, together with interest on said balance since January 1, 1850, be, and the same is hereby, referred to the Court of Claims for adjudication; and said court is directed to ascertain what amount, if any, is due said William J. Martin by reason of and under said alleged contract, and to render judgment therefor, any statute of limitation or prior disallowance by the War Department to the contrary notwithstanding.

Mr. CANNON. Is that a House bill?

The SPEAKER. It is a Senate bill.

Mr. HERMANN. A like bill in substance was reported by the House committee.

Mr. CANNON. Has it ever been considered in the House?

Mr. HERMANN. A similar bill has been reported from the Committee on Claims on identically the same matters pending in the Senate bill, with a unanimous report. It has passed several times in the Senate, and has twice been reported to the House, but was never considered for want of time. It simply submits the matter to the Court of Claims to be adjudicated.

Mr. CANNON. Does the gentleman know that a House bill substantially the same has been reported? Has he examined it?

Mr. HERMANN. I hold the House bill in my hand. I know the party, and know the witnesses to the contract, and I believe that this is a just and honest claim, and ought at least to be adjudicated by the Court of Claims, if not by this House.

Mr. CANNON. That tells how it should be adjudicated. It is one of that class of cases where there ought to be consideration. It annuls the statutes of limitations, goes back a generation, and directs the Court of Claims to pass upon this case, the findings of the War Department to the contrary notwithstanding, on a claim that originated in 1864, and that has been fully heard and rejected by the War Department. Now, I do not think that it ought to pass in this body, and I think it should go to the committee.

Mr. HERMANN. I will state in answer to the gentleman that the report of the committee which I hold in my hand is in some respects similar to the Senate report. It sets forth in detail all the facts, showing why it was not earlier considered; showing the difficulties that they have been put to and the peculiar hardships which attached to this particular case. For years and years the party has been endeavoring to get testimony which is essential, and he has now succeeded in obtaining it. The officer who made the contract went insane, and it was thus impossible to supply the vouchers; therefore the War Department declined to consider the case. They have now obtained numerous affidavits and corroborative testimony, and that is set forth in the report.

The bill has been three times passed by the Senate and sent to this House at different sessions of Congress. It has been twice considered by the Committee on Claims of this House, and considered there and reported at two different sessions of this House—at the last session of the Fiftieth Congress and again in this session. There was no difference of opinion whatever, so far as the Committee on Claims of this House was concerned, and there is no difficulty with the position of the Senate. I know the old man; know he has been made poor for many years owing to the loss that he had sustained by the amount invested in this claim. I know that an appropriation should be made now, but inasmuch as other claims similar to this have been referred to the Court of Claims I think this should take the same course.

Mr. CANNON. What is the amount of the claim?

Mr. HERMANN. Seven thousand five hundred dollars.

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

The House bill of a similar title was ordered to be laid on the table.

The SPEAKER. The Chair observes that the gentleman from Pennsylvania [Mr. BINGHAM] is now present, and the Chair calls his attention to Senate bill No. 4039, in relation to postmasters' bonds, which was laid aside awhile ago.

Mr. HOLMAN. I hope the gentleman will explain the effect of this bill, especially as to the assistant postmasters provided for.

Mr. BINGHAM. Mr. Speaker, I merely desire to state that this Senate bill has never been acted upon by the House Committee on the Post-Office and Post-Roads, and therefore the proper disposition of it would be to refer it to the committee. I am not authorized to speak for the committee in regard to the provisions of the bill, because they have not yet been acted upon by the committee.

Mr. HOLMAN. Then the point of order is of course good.

The SPEAKER. Of course. The Chair was misinformed. The bill will be referred to the Committee on the Post-Office and Post-Roads.

THE BARK CAMPANERO.

The SPEAKER also laid before the House the bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.

The bill was read, as follows:

*Be it enacted, etc.*, That the Commissioner of Navigation is hereby authorized and directed to cause the bark Campanero, owned and rebuilt at the port of Baltimore, Md., by John M. Bandel & Sons, citizens of the United States, to be registered as a vessel of the United States.

Mr. RUSK. Mr. Speaker, the Senate bill just read is identical with the House bill on the same subject, and I am authorized by the committee to ask for its immediate consideration.

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

Mr. RUSK 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 of like purport was laid on the table.

TRUST, LOAN, AND OTHER CORPORATIONS IN THE DISTRICT.

The SPEAKER also laid before the House the bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia.

The SPEAKER. The Chair understands that the Senate bill is identical with the House bill on the same subject.

Mr. GROUT. Not exactly identical. The House committee propose an amendment.

Mr. PAYSON. Mr. Speaker, I have been advised that this Senate bill is not identical with the bill reported from the House committee.

The SPEAKER. The words of the rule are "substantially identical."

Mr. PAYSON. Well, substantially identical.

Mr. GROUT. This is substantially the same as the House bill.

Mr. PAYSON. Unless the gentleman from Vermont can give assurance in advance that it is and that it complies with the rule there may be objection to the consideration of this bill, and as it is very long, we may save time by settling the question now.

Mr. GROUT. I think it is substantially identical with the House bill. I want to say for the information of gentlemen that the Senate bill has been examined by the subcommittee of the House District Committee having charge of this matter, and who have spent a large amount of time in reporting the original bill, and they think that certain provisions in the Senate bill are an improvement upon the House bill, and they propose to adopt the Senate bill with two amendments to one section.

Mr. ANDERSON, of Kansas. Mr. Speaker, if this bill is liable to a point of order, I want to raise that point now.

The SPEAKER. Upon the information so far received, the Chair thinks it is not subject to the point of order.

Mr. HEMPHILL. It certainly is not subject to the point of order.

The bill was read, as follows:

*Be it enacted, etc.*, That corporations may be formed within the District of Columbia for the purposes hereinafter mentioned in the following manner:

Any time hereafter any number of natural persons, not less than twenty-five, may associate themselves together to form a company for the purpose of carrying on any one of the three classes of business herein specified, to wit:

First. A safe deposit, trust, loan, and mortgage business.

Second. A title insurance, loan, and mortgage business.

Third. A security, guaranty, indemnity, loan, and mortgage business: *Provided*, That the capital stock of any of said companies shall not be less than $1,000,000: *Provided further*, That any of said companies may also do a storage business when their capital stock amounts to the sum of not less than $1,200,000.

SEC. 2. That such persons shall, under their hands and seals, execute, before some officer in said District competent to take the acknowledgment of deeds, an organization certificate, which shall specifically state—

First. The name of the corporation.

Second. The purposes for which it is formed.

Third. The term for which it is to exist (which may be perpetual).

Fourth. The number of its directors, and the names and residences of the officers who for the first year are to manage the affairs of the company.

Fifth. The amount of the capital stock and its subdivision into shares.

SEC. 3. That this certificate shall be presented to the commissioners of the District, who shall have power and discretion to grant or to refuse to said persons a charter of incorporation upon the terms set forth in the said certificate and the provisions of this act.

SEC. 4. That previous to the presentation of the said certificate to the said commissioners notice of the intention to apply for such charter shall be inserted in two newspapers of general circulation printed in the District of Columbia at least four times a week for three weeks, setting forth briefly the name of the proposed company, its character and object, the names of the proposed corporators, and the intention to make application for a charter on a specified

day, and the proof of such publication shall be presented with said certificate when presentation thereof is made to said commissioners.

SEC. 5. That if the charter be granted as aforesaid it, together with the certificate of the commissioners granting the same indorsed thereon, shall be filed for record in the office of the recorder of deeds for the District of Columbia, and shall be recorded by him. On the filing of the said certificate with the said recorder of deeds as herein provided, approved as aforesaid by the said commissioners, the persons named therein and their successors shall thereupon and thereby be and become a body corporate and politic, and as such shall be vested with all the powers and charged with all the liabilities conferred upon and imposed by this act upon companies organized under the provisions hereof: *Provided, however*, That no corporation created and organized under the provisions hereof, or availing itself of the provisions hereof as provided in section 11, shall be authorized to transact the business of a trust company, or any business of a fiduciary character, until it shall have filed with the Comptroller of the Currency a copy of its certificate of organization and charter, and shall have obtained from him and filed the same for record with the said recorder of deeds a certificate that the capital stock of said company has been paid in, and the deposit of securities made with said Comptroller in the manner and to the extent required by this act.

SEC. 6. That all companies organized hereunder, or which shall under the provisions hereof become entitled to transact the business of a trust company, shall report to the Comptroller of the Currency in the manner prescribed by sections 5211, 5212, and 5213, Revised Statutes of the United States, in the case of national banks, and all acts amendatory thereof or supplementary thereto, and with similar provisions for compensating examiners, and shall be subject to like penalties for failure to do so. The Comptroller shall have and exercise the same visitorial powers over the affairs of the said corporation as is conferred upon him by section 5240 of the Revised Statutes of the United States in the case of national banks. He shall also have power, when in his opinion it is necessary, to take possession of any such company for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

SEC. 7. That all companies organized under this act are hereby declared to be corporations possessed of the powers and functions of corporations generally, and shall have power, among other things—

First. To make contracts.

Second. To sue and be sued, implead and be impleaded, in any court as fully as natural persons.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To loan money on first mortgages of real estate.

Fifth. When organized under subdivision 1 of the first section of this act to accept and execute trusts of any and every description which may be committed or transferred to them, and to accept the office and perform the duties of receiver, assignee, executor, administrator, guardian of the estates of minors, with the consent of the guardian of the person of such minor, and committee of the estates of lunatics and idiots whenever any trusteeship or any such office or appointment is committed or transferred to them, with their consent, by any person, body politic or corporate, or by any court in the District of Columbia, or in any of the States or Territories of the United States, and all such companies organized under the first subdivision of section 1 of this act are further authorized to accept deposits of money for the purposes designated herein upon such terms as may be agreed upon from time to time with depositors, and to act as agent for the purpose of issuing or countersigning the bonds or obligations of any corporation, association, municipality, or State, or other public authority, and to receive and manage any sinking fund on any such terms as may be agreed upon, and shall have power to issue its debenture bonds upon deeds of trust or mortgages of real estate to a sum not exceeding the face value of said deeds of trust or mortgages, and which shall not exceed 50 per cent. of the fair cash value of the real estate covered by said deeds or mortgages, to be ascertained by the Comptroller of the Currency. But no debenture bonds shall be issued until the securities on which the same are based have been placed in the actual possession of the trustee named in the debenture bonds, who shall hold said securities until all of said bonds are paid; and when organized under the second subdivision of the first section of this act said company is authorized to insure titles to real estate and to transact generally the business mentioned in said subdivision; and when organized under the third subdivision of section 1 of this act said company is hereby authorized, in addition to the loan and mortgage business therein mentioned, to secure, guaranty, and insure individuals, bodies politic, associations, and corporations against loss by or through trustees, agents, servants, or employés, and to guaranty the faithful performance of contracts and of obligations of whatever kind entered into by or on the part of any person or persons, association, corporation or corporations, and against loss of every kind.

SEC. 8. That in all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, guardian of the estate of a minor, or committee of the estate of a lunatic, it shall and may be lawful for said court (but without prejudice to any preference in the order of any such appointments required by existing law) to appoint any such company organized under the first subdivision of section 1 of this act, with its assent, such trustee, receiver, administrator, committee, or guardian, with the consent of the guardian of the person of such minor: *Provided, however*, That no court or judge shall commit by order or decree to any such corporation any trust or fiduciary duty who is an owner of or in any manner financially interested in the stock or business of such corporation.

SEC. 9. That whenever any corporation operating under this act shall be appointed such trustee, executor, administrator, receiver, assignee, guardian, or committee as aforesaid, the president, vice-president, secretary, or treasurer of said company shall take the oath or affirmation now required by law to be made by any trustee, executor, receiver, assignee, guardian, or committee.

SEC. 10. That when any court shall appoint the said company a trustee, receiver, administrator, or such guardian, or committee, or shall order the deposit of money or other valuables with said company, or where any individual or corporation shall appoint any of said companies a trustee, executor, assignee, or such guardian the capital stock of said company subscribed for or taken, and all property owned by said company, together with the liability of the stockholders and officers as herein provided, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever.

SEC. 11. That any safe deposit company, trust company, or title insurance company, now incorporated and operating under the laws of the United States or of the District of Columbia, or any of the States, and now doing business in said District, may avail itself of the provisions of this act on filing in the office of the recorder of deeds of the District of Columbia, or with the Comptroller of the Currency, a certificate of its intention to do so, which certificate shall specify which one of the three classes of business set out in section 1 it will carry on, and shall be verified by the oath of its president to the effect that it has in every respect complied with the requirements of existing law, especially with the provisions of this act; that its capital stock is paid in as provided in section 21 of this act and is not impaired, and thereafter such company may exercise all powers and perform all duties authorized by any one of the subdivisions of section 1 of this act in addition to the powers now lawfully exercised by such company.

SEC. 12. That any company operating under this act may lease, purchase, hold, and convey real estate, not exceeding in value $500,000, and such in addition as it may acquire in satisfaction of debts due the corporation, under sales, decrees, judgments, and mortgages.

SEC. 13. That the charters for incorporations named in this act may be made perpetual, or may be limited in time by their provisions, subject to the approval of Congress.

SEC. 14. That the capital stock of every such company shall be at least $1,000,000, and at least 50 per cent. thereof must have been paid in, in cash or by the transfer of assets as hereinafter provided in section 21 of this act, before any such company shall be entitled to transact business as a corporation, except with its own members; and before any company organized hereunder shall be entitled to transact the business of a trust company, or to become and act as an administrator, executor, guardian of the estate of a minor, or undertake any other kindred fiduciary duty, it shall deposit, either in money or in bonds, mortgages, deed of trust, or other securities equal in actual value to one-fourth of the capital stock paid in, with the Comptroller of the Currency, to be kept by him upon the trust and for the purposes hereinafter provided; and the said Comptroller may from time to time require an additional deposit from any such company, to be held upon and for the same trust and purposes, not exceeding, however, in value one-half the paid-in capital stock; and the said Comptroller shall not issue to any corporation the certificate heretofore provided for until said deposit with him of securities required by this section. Within one year after the organization of any corporation under the provisions of this act, or after any corporation heretofore existing shall have availed itself of the powers and rights given by this act in the manner herein provided for, its entire capital stock shall have been paid in.

SEC. 15. That the capital stock of every such company shall be divided into shares of $100 each. It shall be lawful for such company to call for and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such proportions as its board of directors shall deem proper, within the time specified in section 14, and it may enforce payment by all remedies provided by law; and if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said installment, under such general regulations as may be adopted in the by-laws of said company, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due.

SEC. 16. That every such company shall annually, within twenty days after the 1st of January of each year, make a report to the Comptroller of the Currency, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid, the amount of debts, and the gross earnings for the year ending December 31 then next previous, together with their expenses, which report shall be signed by the president and a majority of the directors or trustees, and shall be verified by the oath of the president, secretary, and at least three of the directors or trustees; and said company shall pay to the District of Columbia, in lieu of personal taxes for each next ensuing year, 1 per cent. of its gross earnings for the preceding year, shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable.

SEC. 17. That if any company fails to comply with the provisions of the preceding section, all the directors or trustees of such company shall be jointly and severally liable for the debts of the company then existing, and for all that shall be contracted before such report shall be made: *Provided*, That in case of failure of the company in any year to comply with the provisions of section 16 of this act, and any of the directors shall on or before January 15 of such year file his written request for such compliance with the secretary of the company, the Comptroller of the Currency, and the recorder of deeds of the District of Columbia, such director shall be exempt from the liability prescribed in this section.

SEC. 18. That any willful false swearing in regard to any certificate or report or public notice required by the provisions of this act shall be perjury and shall be punished as such according to the laws of the District of Columbia. And any misappropriation of any of the money of any corporation or company formed under this act, or any money, funds, or property intrusted to it, shall be held to be larceny, and shall be punished as such under the laws of said District.

SEC. 19. That the stock of such company shall be deemed personal estate, and shall be transferable only on the books of such company in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid, and the said stock shall not be taxable, in the hands of individual owners, the tax on the capital stock, gross earnings of the company hereinbefore provided being in lieu of other personal tax. All certificates of the stock of any company organized under this act shall show upon their face the par value of each share and the amount paid thereon.

SEC. 20. That all stockholders of every company incorporated under this act or availing itself of its provisions under section 11 shall be severally and individually liable to the creditors of such company to an amount equal to and in addition to the amount of stock held by them, respectively, for all debts and contracts made by such company.

SEC. 21. That nothing but money shall be considered as payment of any part of the capital stock, except that in the case of any company now doing business in the District of Columbia in any of the classes herein provided for, or under any act of Congress or by virtue of the laws of any of the States, and which company has actually received full payment in money of at least 50 per cent. of the capital stock required by this act, and which company desires to obtain a charter under this act, all the assets or property may be received and considered as money, at a value to be appraised and fixed by the Comptroller of the Currency: *Provided*, That all such assets and property are also transferred to and are thereafter owned by the company organized under this act.

SEC. 22. That the stock, property, and concerns of such company shall be managed by not less than nine nor more than thirty directors or trustees, who shall, respectively, be stockholders and at least one-half residents and citizens of the District of Columbia, and shall, except the first year, be annually elected by the stockholders at such time and place and after such published notice as shall be determined by the by-laws of the company, and said directors or trustees shall hold until their successors are elected and qualified.

SEC. 23. That there shall be a president of the company, who shall be a director, also a secretary and a treasurer, all of whom shall be chosen by the directors or trustees: *Provided*, That only one of the above-named offices shall be held by the same person at the same time. Subordinate officers may be appointed by the directors or trustees, and all such officers may be required to give such security for the faithful performance of the duties of their office as the directors or trustees may require.

SEC. 24. That the directors or trustees shall have power to make such by-laws as they deem proper for the management or disposal of the stock and business affairs of such company, not inconsistent with the provisions of this act, and prescribing the duties of officers and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

SEC. 25. That if the directors or trustees of any company shall declare or pay any dividend, the payment of which would render it insolvent, or which would

create a debt against such company, they shall be jointly and severally liable as guarantors for all of the debts of the company then existing, and for all that shall be thereafter contracted, while they shall, respectively, remain in office.

SEC. 26. That if any of the directors or trustees shall object to declaring such dividend or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of their objection in writing with the secretary of the company with the recorder of deeds of the District they shall be exempt from liability prescribed in the preceding section.

SEC. 27. That if the liabilities of any company shall at any time exceed the amount of the fair cash value of the assets, the directors or trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company after the additional liability of the stockholders has been enforced.

SEC. 28. That no person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor, administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or the person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name.

SEC. 29. That any corporation which may be formed under this chapter may increase its capital stock by complying with the provisions of this chapter to any amount which may be deemed sufficient and proper for the purposes of the corporation.

SEC. 30. That a copy of any certificate of incorporation filed in pursuance of this chapter, certified by the recorder of deeds to be a true copy and the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

SEC. 31. That no bond or other collateral security, except as hereinafter stated, shall be required from any trust company incorporated under this act for or in respect to any trust, nor when appointed trustee, guardian, receiver, executor, or administrator, with or without the will annexed, committee of the estate of a lunatic or idiot, or other fiduciary appointment; but the capital stock subscribed for or taken, and all property owned by said company and the amount which said stockholders shall be liable in excess of their stock, shall be taken and considered as the security required by law for the faithful performance of its duties and shall be absolutely liable in case of any default whatever; and in case of the insolvency or dissolution of said company the debts due from the said company as trustee, guardian, receiver, executor, or administrator, committee of the estate of lunatics, idiots, or any other fiduciary appointment, shall have a preference.

SEC. 32. That the supreme court of the District of Columbia, or any justice thereof, shall have power to make orders respecting such company whenever it shall have been appointed trustee, guardian, receiver, executor, or administrator with or without the will annexed, committee of the estate of a lunatic, idiot, or any other fiduciary, and require the said company to render all accounts which might lawfully be made or required by any court or any justice thereof if such trustee, guardian, receiver, executor, administrator with or without the will annexed, committee of the estate of a lunatic or idiot, or fiduciary were a natural person. And said court, or any justice thereof, at any time, on application of any person interested, may appoint some suitable person to examine into the affairs and standing of such companies, who shall make a full report thereof to the court, and said court, or any justice thereof, may at any time, in its discretion, require of said company a bond with sureties or other securities for the faithful performance of its obligations, and such sureties or other security shall be liable to the same extent and in the same manner as if given or pledged by a natural person.

SEC. 33. That no corporation or company organized by virtue of the laws of any of the States of this Union shall carry on, in the District of Columbia, any of the kinds of business named in this act without strict compliance in all particulars with the provisions of this act for the government of such corporations formed under it, and each one of the officers of the corporation or company so offending shall be punished by fine not exceeding $1,000, or imprisonment in some State's prison not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

SEC. 34. That Congress may at any time alter, amend, or repeal this act (saving and preserving all rights which may become vested), but any such amendment or repeal shall not, nor shall the dissolution of any company formed under this act, take away or impair any remedy given against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred.

Mr. PAYSON (during the reading). Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask whether the question of order upon this bill will be waived by permitting its reading.

The SPEAKER. Oh, no.

Mr. McCOMAS. Mr. Speaker, do I understand that the motion is to concur, with an amendment?

The SPEAKER. Not at all. This is a Senate bill which has passed the Senate. It is substantially the same as the House bill which has been passed upon by the House. The point of order, of course, will remain until the bill is read.

Mr. McCOMAS. But the gentleman [Mr. GROUT] now says that he proposes to move to concur, with one or two amendments.

The SPEAKER. The gentleman, if he used that language, doubtless used it inadvertently, meaning only that the House bill which has been reported is substantially the same as this Senate bill; that the Committee on the District of Columbia are satisfied in the main with the Senate bill, but that they propose to offer one or two amendments.

Mr. PAYSON. When the bill shall be considered.

The SPEAKER. Of course when the bill shall be considered.

The Clerk resumed and completed the reading of the Senate bill.

Mr. ANDERSON, of Kansas. Mr. Speaker, I raise the question of consideration against this measure.

Mr. PAYSON. Before that question shall be put, as I made a suggestion awhile ago with reference to this bill as to whether or not it came within the rule, I desire to say now that I have followed the reading carefully as it has progressed, and I am satisfied that the Senate bill is substantially the same as the House bill. In justice to the committee I feel bound to say that I think the bill comes within the rule.

The question was taken on the question of consideration raised by Mr. ANDERSON, of Kansas; and the Speaker declared that the ayes seemed to have it.

Mr. ANDERSON, of Kansas. I ask for a division.

The question was taken; and there were—ayes 112, nays 5.

Mr. ANDERSON, of Kansas. Mr. Speaker, in looking over the House I doubt whether there is a quorum present.

The SPEAKER. Does the gentleman raise the point that there is no quorum present?

Mr. ANDERSON, of Kansas. Yes; I make the point that there is no quorum present.

The SPEAKER (after counting). There are 170 members present.

Mr. ANDERSON, of Kansas. Now, Mr. Speaker, I raise the point of order that while this Senate bill is substantially the same as the House bill, nevertheless the rule requires that before a bill can be called up in this way it must have been considered in a committee—in this case the Committee on the District of Columbia—and that that must be done on a motion in the committee directing that the bill be called up.

The SPEAKER. It is too late to raise that point. The question of consideration has been raised by the gentleman himself, which waives all points of order.

Mr. GROUT. The consideration of this bill has been ordered by the committee.

Mr. ANDERSON, of Kansas. I understand that it has been ordered by the consent of individual members of the committee, but not by the committee, as I am informed.

The SPEAKER. The Chair might be inclined to sustain that point, but it is raised too late. The House has voted to consider the bill. The question is now on ordering the bill to a third reading. The gentleman from Vermont [Mr. GROUT], as the Chair understands, desires to submit certain amendments which the Clerk will report.

The Clerk read as follows:

Amend section 33 by inserting, after the word "Union," in line 2, the words "and having its principal place of business within the District of Columbia."

Add to this section the following proviso: "This section shall not take effect till six months after the approval of this act."

The SPEAKER. The question is on agreeing to the amendments.

Mr. ANDERSON, of Kansas. On that question I want to be heard.

The SPEAKER. Does the gentleman from Vermont [Mr. GROUT] yield the floor?

Mr. GROUT. No, Mr. Speaker. If the gentleman will say how much time he wants we will grant him reasonable time.

Mr. ANDERSON, of Kansas. I would like thirty minutes.

Mr. GROUT. I can not yield the gentleman that length of time. This amendment simply provides that the organizations of this character formed under laws of the several States—there are two or three such organizations now doing business within the District—shall bring themselves within the provisions of this bill in all respects, by depositing with the Comptroller of the Currency the necessary bonds and doing everything for the security of those doing business with the companies. We do not want any "wild-cat" organizations; they should in some way be controlled. That is the object of section 33; but the way it is drawn——

Mr. BLOUNT. May I interrupt the gentleman from Vermont?

Mr. GROUT. Certainly.

Mr. BLOUNT. I wish to suggest to the gentleman that it often happens that the District wants matters considered here; and if the gentleman from Kansas desires thirty minutes for discussion, I hope that time will be allowed him. I do not think it is going to hurt the District at all.

Mr. GROUT. I should not object if that time would satisfy the gentleman with reference to the whole bill; but I am not willing that so much time be occupied on this amendment.

Mr. BLOUNT. I do not ask that.

Mr. GROUT. I was explaining this matter so that the gentleman from Kansas might not perhaps ask to occupy time on the amendment, but take it on the general provisions of the bill. I hoped my explanation would be satisfactory to him; I think it will.

Mr. BLOUNT. Why not agree (I understand the gentleman from Kansas would be willing to accept this arrangement) that he have thirty minutes in the beginning on the bill?

Mr. GROUT. If that will satisfy the gentleman I am content.

The SPEAKER. Unanimous consent is asked that debate be limited to thirty minutes.

Mr. ANDERSON, of Kansas. I object.

Mr. GROUT. Then, Mr. Speaker, if the gentleman from Kansas is not disposed to be reasonable I withdraw my concession and retain the floor for the purpose of making an explanation.

Mr. ANDERSON, of Kansas. I am disposed to be reasonable, but I would like to have a little fair debate upon such an outrageous, infernal bill as this.

Mr. GROSVENOR. I rise to a parliamentary inquiry. It has been impossible to hear what has been going on. Now, I wish to be heard at the proper time in opposition to the passage of this bill. I desire to ask where we are in reference to this matter. Have we passed the stage of debate on the bill?

The SPEAKER. We have not.

Mr. GROSVENOR. Then I want to be recognized to oppose the passage of the bill.

The SPEAKER. The gentleman from Vermont has the floor.

Mr. GROSVENOR. Very well. Does the gentleman propose that there shall be no debate?

The SPEAKER. The Chair does not know what are the wishes of the gentleman.

Mr. BREWER. I suggest that the gentleman from Vermont have his amendments voted on, and then have the discussion on the bill.

Mr. GROUT. That is what I propose.

Mr. BREWER. I understand there is no objection to the amendments.

Mr. GROUT. If the amendments are agreed to, I am willing (and so is the committee) that the bill shall then be discussed.

The SPEAKER. The Chair then will put the question on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on ordering the bill as amended to a third reading.

Mr. GROUT. Now, Mr. Speaker, I am ready to yield to the gentleman from Kansas. I presume no one else desires to occupy any time.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] has given notice that he also wishes to oppose the passage of the bill.

Mr. GROUT. I ask unanimous consent that debate be limited to forty minutes—thirty minutes against the bill and ten in its favor.

The SPEAKER. The gentleman from Vermont asks unanimous consent that debate be limited to forty minutes—thirty minutes in opposition to the bill and ten minutes in favor of it. Is there objection? The Chair hears none. The gentleman from Kansas will control the thirty minutes, and the gentleman from Vermont the ten minutes.

Mr. ANDERSON, of Kansas. I yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, this is a proposition which has grown up out of the legislation of certain States of the Union, and it is designed to supplant private individuals by corporations in respect to guardianship and administration of estates and other fiduciary matters. I am not affected by the measure so far as any local interest I may have is concerned; but this is a subject which has been under consideration in the District of Columbia for a long period, and I can not better occupy my time than by having the Clerk read letters of the judges of the courts of this District, who have protested against the passage of this bill. If after hearing these letters the House of Representatives desires to force this sort of legislation upon the District over the heads of the entire local judiciary, I shall be content. I desire first to have read a letter of Judge D. K. Cartter.

Mr. STEWART, of Vermont. Before that letter is read I wish to ask whether it relates to the bill now pending.

Mr. GROSVENOR. It relates to the whole subject-matter.

Mr. STEWART, of Vermont. What subject?

Mr. GROSVENOR. This same bill.

Mr. GROUT. I can answer the gentleman from Vermont [Mr. STEWART] by stating that the letter deals with a feature that this bill does not contain.

Mr. GROSVENOR. I have several of these letters.

The Clerk read as follows:

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
*February* 13, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, in which you inform me that your committee directs you to ask my opinion and that of my associates "as to the advisability of conferring upon the National Safe Deposit Company of Washington the additional powers asked for by Senate bill No. 152 as modified in the copy inclosed.

The amendments proposed authorize the corporation, under a changed name—

First. To accept and execute trusts of every description which may be committed or transferred to it by any person, body corporate or politic, or by any court in the District of Columbia, or in any of the United States.

Second. To accept the office and appointment of executor or administrator, whenever conferred or made by any person or by any orphan's court of the District or of any State.

Third. To authorize any court of the District of Columbia to confer upon the corporation the appointment of receiver, assignee, guardian of minors, or committee of lunatics, and to require the corporation to account concerning such trusts before the proper courts, and to authorize the corporation to receive the usual compensation and fees for such services.

The other provisions are matters of detail not requiring notice here.

In compliance with the request of the committee to express an opinion as to the advisability of granting the powers thus asked, we have no hesitation in expressing our decided opinion that the bill ought not to pass.

We do not conceive it to be important to give at length our reasons for this opinion, but we may suggest a few of the more obvious objections to the measure.

First. The proposed action is wholly unnecessary. We know of no defects in the present mode of appointing the fiduciaries referred to, or in the manner of their discharging their important duties, requiring any change in the law in these particulars, or justifying the bestowal of such anomalous powers upon a private corporation for the benefit of its stockholders.

No excuse is to be found in any supposed notion of economy to the public, since the bill enacts for the corporation the same rate of compensation now received by individuals; nor is such support to be found in the idea of greater security, since the present method, which divides these trusts among a number of responsible persons, is reasonably safer than a system which proposes to accumulate a multitude of such trusts in the hands of the trust company, a form of organization which experience informs us is not exempt from risk of disastrous failures.

Second. The several classes of trusts referred to in the law, whether conferred by individuals or by appointment from the courts, are now confided to persons selected after examination of their personal and private character, and because of their worth and reliability. But the bestowal of such trusts upon a corporation would be accompanied by no such guaranty of personal fitness upon the part of the individual who, after all, would execute the duty. The selected agent of the corporation might be one wholly unknown to those interested in the trust or to the court making the appointment, and such a person as the court would have rejected as entirely unworthy the office. One of the most efficient means of enforcing the performance by these fiduciaries of their duties and of punishing their neglect or violation is by attachment or other like process directed against the individual, who would be personally affected by the orders of the court.

But no such address would be available against an impersonal body, a corporation, in no degree amenable to personal subjection or discipline, however recusant in the discharge of its duty.

Third. The proposed change would involve a repeal *pro tanto* of almost every feature of the testamentary system in force in this District, introducing confusion and uncertainty in the workings of a wise and compendious scheme of jurisprudence, familiar to the people and satisfactory as it now exists, and this in the entire absence of any necessity for a change and without the slightest reason that is apparent to us beyond the prospect of personal gain to the corporation in question.

We may add that the extraordinary proposal to authorize the corporation to act as executor, administrator, receiver, guardian of minors, or committee of a lunatic, does not constitute a feature in the "American Loan and Trust Company of Boston," a copy of which was inclosed in your letter. We can conceive of no reason for extending such delicate and varied powers, most of which imply personal qualities as involved in their exercise, to an agent so entirely unfitted for their performance as an incorporation.

The opinion I have thus had the honor to communicate to the honorable Committee on the District of Columbia is concurred in by my colleagues, who have been consulted by me, as desired in your letter.

I have the honor to be, very respectfully, your obedient servant,

D. K. CARTTER,
*Chief-Justice Supreme Court.*

Hon. JOHN J. INGALLS,
*Chairman Committee on the District of Columbia, United States Senate.*

ROOMS OF THE BAR ASSOCIATION.
*Washington, February* 9, 1883.

*Resolved*, That in the opinion of this association the bills now pending in the Senate and House of Representatives authorizing the Title Insurance Company of the District of Columbia to act as trustees, guardian, executor, administrator, etc., and to incorporate the National Title Company for like purposes, are obnoxious to the best interests of the community, and that a committee be appointed by the chair to wait upon the committee having the same in charge and oppose their passage.

Teste:

HENRY WISE GARNETT, *Secretary.*

Mr. GROSVENOR. As the time allotted to me is so brief, I will append the other letters from the judges of the courts here, and from the Bar Association, showing their views of this subject.

They are as follows:

ROOMS OF THE BAR ASSOCIATION,
*Washington, D. C., December* 31, 1884.

Hon. JOHN J. INGALLS,
*Chairman Senate Committee on District of Columbia:*

SIR: In January, 1884, we had the honor to address you a communication in reference to certain bills then pending before your honorable committee to confer upon certain private corporations the power to act as trustee, guardian, etc. Since then our attention has been called to a communication from the commissioners of the District of Columbia, dated December 15, 1884, and addressed to the Hon. Isham G. Harris, chairman of the subcommittee having charge of bill S. 151, which is identical with H. R. 1437. The provisions of these two bills are the same as those contained in the bills referred to in our said communication to you.

The commissioners of the District of Columbia, contrary to their custom, did not refer Judge Harris's letter, asking their advisability as to this bill becoming a law, to the law officer of the District of Columbia, but ignored him entirely, and undertook to give their own opinion and attempt to support it by saying: "Learning that the subject had been discussed by the judges of the supreme court of the District, and that the chief-justice had some time since given their views in a letter addressed to the honorable chairman of the Senate Committee for the District of Columbia adversely to such legislation, the commissioners consulted the chief-justice [Hon. D. K. Cartter], and now learn from him that such letter was written, but that since then he, and as he believes, his associates have re-examined the question and reached a conclusion that such trust company, with proper regulations, is desirable, especially when accompanied by the proviso found in section 3, authorizing the court to investigate the affairs of the company, and to give further security if found to be necessary."

Evidently there is a mistake somewhere in reference to the alleged change of opinion of the judges of the supreme court of the District of Columbia, as will appear from the following letters addressed to us by four of the associated justices of that court, they being the only members of the court consulted on the subject by us:

WASHINGTON, D. C., *December* 30, 1884.

Messrs. FENDALL, NEWMAN, and others,
*Committee Bar Association:*

GENTLEMEN: In reply to your letter asking my opinion as to the propriety of granting to the Safe Deposit Company additional powers and privileges contemplated by the proposed act (H. R. 1437) I say that I think the contemplated change in the law is both unnecessary and dangerous.

The existing provisions of law which regulate the choice, appointment, and bonding of administrators, executors, guardians, and trustees in this jurisdiction have proved entirely satisfactory for more than a century. I know of no case since I have been on the bench of the appointment of any such officer where the appointee has been unfaithful to his trust. If such a state of things should be made to appear, the bonds which have been given by those fiduciaries may be resorted to, to make good the loss. No difficulty has hitherto appeared in obtaining adequate security, and I see no reason to suppose it will appear in the future under the present system. A practice which has thus proved itself by long experience adequate and convenient, and which is familiar to our people, should not be invaded, I submit, without some grave reason for the change. Unnecessary as the change would be, even under the management of the gentlemen now in charge of the corporation (who, I am sure, are all their friends represent in point of intelligence and integrity), the proposed change would prove most pernicious should the control of the company fall into improper hands. That such change in the management may reasonably be apprehended is plain enough, and our experience recalls disastrous failures of trust companies previously standing as high in public esteem as this one can hope to do.

One of the most objectionable features in the bill, in my opinion, is the granting of the power to this company to act as guardian to minors. I can not well conceive of a more dreary situation than that of a young girl or boy intrusted

to the custody of a corporation in this way. Who is to regulate the education, morals, dress, abode, and association of such young person placed under such guardianship? Some particular agent must be selected to see after the minor as to such matters; and can it be advisable that a girl just growing into womanhood should be compelled to rely upon the counsel of men, strangers to her and her family, to guide her in those delicate and dangerous matters? For there can not be two guardians, and the child can not be reasonably expected to reverence and obey the voluntary admonitions of a person who has no means whatever of enforcing his or her counsels, not even the restraint of drawing the purse-strings. It seems a cheerless enough thing to raise chickens by machinery, but the guardianship by the proverbial soulless corporation seems to me to be a gross and most pernicious exaggeration of the patent incubating process.

I adhere to the opinion the judges of the supreme court of the District gave to a committee of Congress a year or two ago as to this subject.

Respectfully,

A. B. HAGNER.

—

Messrs. FENDALL AND NEWMAN.

GENTLEMEN: After reading Judge Hagner's letter I think it is unnecessary that I should state my own views separately, inasmuch as I should only repeat what he has said. I am clearly of opinion that the proposed innovation is unnecessary, and that it is not advisable that an innovation should be adopted without necessity. Besides, I have more faith in individual than in corporate agencies, and should regret to see them pushed aside by the latter.

Respectfully,

CHARLES P. JAMES.

—

I am of opinion that the interests contemplated by the proposed legislation should not be intrusted to a corporation under any circumstances.

ARTHUR MACARTHUR.

DECEMBER 30, 1884.

—

As trust companies seem to have worked successfully elsewhere, I am not prepared, in ignorance of their actual operation, to say that they can not be successfully managed here in the direction contemplated by the bill under consideration. But I agree with the others who have expressed an opinion that such a measure is entirely unnecessary, and that there might be great awkwardness in such corporations acting as guardians, at least if not in other respects. I think the court would seldom, if ever, be inclined to prefer them to responsible individuals.

W. S. COX.

DECEMBER 31, 1884.

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In conclusion, we would respectfully reinvite your attention to our communication above referred to and request that the same may be read in connection herewith.

We have the honor to be, very respectfully, your obedient servants,

REGINALD FENDALL,
ANDREW C. BRADLEY,
HENRY WISE GARNETT,
HENRY E. DAVIS,
EDWARD A. NEWMAN,
*Committee of the Bar Association of the District of Columbia.*

—

ROOMS OF THE BAR ASSOCIATION, *January* 21, 1886.

At a special meeting of the Bar Association of the District of Columbia held January 20, 1886, the following resolution, introduced by Mr. J. J. Darlington, was unanimously adopted:

"*Resolved*, That the special committee composed of Messrs. Reginald Fendall, H. E. Davis, E. A. Newman, A. C. Bradley, and Henry W. Garnett, heretofore appointed on behalf of the association to oppose before the committees of Congress any and all legislation conferring upon corporations within the District of Columbia the power of acting as trustees, guardians, executors, administrators, or in other fiduciary capacity, be reappointed for that purpose, it being the unchanged sense of this association that such legislation would be prejudicial to the interests thereby affected.

A true extract from the minutes.

CHAS. A. ELLIOT,
*Secretary Bar Association, District of Columbia.*

—

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
*Washington, D. C. January* 23, 1889.

DEAR SIR: Your favor of this instant asking my views of the advisability of the passage by Congress of the "trust bills," so called, enabling certain corporations to act as executors, administrators, guardians, and trustees of estates, received. Also, a pamphlet containing the argument of a committee of the Bar Association of this District addressed to the Committee of the House of Representatives for the District of Columbia of a former Congress, and letters of the late Chief-Justice Cartter and Justices Hagner, Merrick, James, Cox, and MacArthur, which I have read with much interest. The proposition to clothe corporations with such powers and duties is one upon which I have not heretofore bestowed much thought, but I am strongly inclined to regard it unfavorably.

I can not perceive that in any respect such a law would be beneficial, while the reasons by the committee and gentlemen before named against such an enactment are, in my judgment, cogent and conclusive. I think such legislation is not only unnecessary, it is wrong in principle and should be defeated.

Very respectfully,

E. F. BINGHAM.

CHAPIN BROWN, Esq.,
*For the Committee of the Bar Association, District of Columbia.*

In view of this positive expression of opinion on the part of both the bench and bar, and for other cogent reasons which can be presented orally to the committees of Congress if an opportunity be afforded, the undersigned respectfully submit that said bills should not become law.

REGINALD FENDALL,
HENRY WISE GARNETT,
ANDREW C. BRADLEY,
HENRY C. DAVIS,
EDWARD A. NEWMAN,
*Committee of the Bar Association of the District of Columbia.*

Mr. GROSVENOR. As will be seen, Mr. Speaker, the other judges of the courts here, which include such eminent jurists as A. B. Hagner, Charles P. James, W. S. Cox, and the present Chief-Justice Bingham, writing under a much later date, nearly a year ago, when this identical bill was pending in the House, utter even stronger language in protest against the conferring of this immense corporate power upon a monopoly such as is proposed here.

On the 15th day of January of the present year, 1890, a committee of the Bar Association of this city, numbering some fifteen men, held a meeting and protested against the passage of this bill. So we have all of the judges of the courts of the District, the Bar Association of the District, and I have also a letter from Hon. W. W. Merrick, who was himself a very distinguished lawyer, protesting against the passage of it. The gentleman must not say that it is not this bill against which they protest, because Chief-Justice Cartter described all of the salient features of the bill, and in the case of the Bar Association their action was taken while the very bill was pending before the committee of the House.

Mr. BINGHAM. What is the date of Mr. Merrick's protest to which the gentleman refers?

Mr. GROSVENOR. In 1886, just before his death.

Mr. GROUT. The gentleman is entirely in error in saying that this bill has been protested against, because the bill was not reported to the House until April 28 of this year.

Mr. GROSVENOR. I said while it was pending in the Committee of the Whole House.

Mr. GROUT. But it was not this bill.

Mr. GROSVENOR. The principle is just the same It may not be in identical terms the same bill, but the purpose is the same.

Now gentlemen inveigh against the growth of "corporate power" and the conferring of powers upon corporations as a rule; and we talk sometimes upon the stump about "monopoly." But here is a bill which says the companies which shall be permitted to do business under its provisions shall have a capital stock of $1,000,000; and its terms are such that nobody and no combination of men with less capital shall touch one of the classes of business that the bill seeks to cover. There is a monopoly created by the American Congress, conferring on a corporation by name almost unlimited powers, and excluding everybody else from the management of the business thus created and controlled by it, and absolutely fixing the sum necessary to enable them to enter into the business at $1,000,000.

This is the bill which we are asked to accept; and yet we sometimes talk of not being in favor of corporate monopolies. Corporations as a rule are not monopolies; but here is one which is a distinct and exclusive monopoly, and is so intended, for it names the parties or the character of business, and the amount of money which shall be necessary to enter into it, and provides that nobody else can transact any of these forms of business who have not the amount of capital provided by the bill. It is a decided innovation in legislation of this character.

I am told that in some of the States of the Union this provision works well. Doubtless in organized States, where the people are permanent and are not migratory, and is largely the case, and necessarily so, in this city, it may be well enough; but I protest against the principle which confers by legislative enactment upon a corporation power to become a private corporation for all of the agencies herein specified and excludes everybody else.

I say to you gentlemen who record your votes in favor of this proposition that you never have marched up to such an extent to monopoly as is involved in this proposition. If you vote for it—and I care not whether it passes or not; I simply lift my voice against it—but when it is passed; when you have done the work; when you have voted for it, do not go home and tell your people that you are opposed to monopolies such as this, for here is one that is more exclusive than any other corporation on the whole face of the continent. The Standard Oil Company is often referred to as such an organization; but in the same State of its creation any other persons can become a corporation for the same purposes. But this is not only a corporation for any one of the purposes named, but it excludes everybody else from the benefits which the bill seeks to confer, and monopolizes that business here in the hands of the few who can raise the amount of money necessary.

That is all, Mr. Speaker, I have to say. It is not easy for gentlemen to try to explain away the objections to this measure by showing how it may operate elsewhere. I am not advised that in any State organizations the minimum sum of $1,000,000 has been placed in the acts of incorporation. But every one of them is simply the outgrowth of a tendency to corporate monopoly, and here is one of the most aggressive and most exclusive that could possibly be framed by any legislation.

Mr. BINGHAM. Let me ask the gentleman this question.

The SPEAKER. The time of the gentleman has expired.

Mr. BINGHAM. I wish to ask if there is anything in the bill that excludes the individual from any of the ordinary acts in reference to estates, guardians, administratorship, or anything else. Does it not only enlarge the field, so to speak, so they can have their choice in selecting managers for estates, or to wind up estates, and in its large capital make safe and secure the management of the large estates now common in this District?

Mr. GROSVENOR. I have not time to answer the gentleman's question at length, but the answer is very simple. It is, that when you have once created in a District like this a power like that, the courts will be controlled instantly by such an aggregation of capital.

Mr. BINGHAM. That is a very poor compliment to the courts.

Mr. GROUT. Mr. Speaker, I desire to be informed when I have occupied three minutes. The gentleman from Ohio speaks of a cor-

poration. This bill does not incorporate any body of men. The title of the bill explains its purpose. It is an act to provide further and additional purposes for which corporations may be formed in the District of Columbia. That is all this bill does. The bill does not confine it to one act of voluntary incorporation. As many different organizations may be formed as there are people with money to invest to organize them, and there probably will be half a dozen organizations as soon as they can be effected under this law, when it is once passed. The difficulty with the general incorporation law is that it does not extend to corporations of this kind. It relates to institutions of learning, to benevolent and educational societies, to manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, and market purposes, and railroad purposes.

It does not include this particular feature. This is simply an extension of the general law. There is no monopoly, as I have said, because when twenty-five persons see fit to put their capital together and embark in this business they have a right under the bill to do it, provided they comply with these stringent provisions for the protection of the people and the rights of those who trust their estates with them. Under those provisions they have a perfect right, I say, to organize.

Mr. KERR, of Iowa. Will the gentleman allow me a question?

Mr. GROUT. Certainly.

Mr. KERR, of Iowa. I understand this bill confers upon this corporation the right to act as trustee or as guardian.

Mr. GROUT. Not of the person, but of the estate.

Mr. KERR, of Iowa. And also as the depository of the guardian's money.

Mr. GROUT. Yes.

Mr. KERR, of Iowa. Now, is there any provision fixing the rate of interest this corporation will be compelled to pay the guardian or the heirs for the use of the money?

Mr. GROUT. That is a matter of arrangement between the corporation and the guardian, just as it would be if he loaned the money to a bank or to an individual. That is not controlled by this bill. I do not see how it could be well or wisely controlled. It would have to be left to negotiation.

Mr. FARQUHAR. Now, if the gentleman will permit me, I want to ask another question. As I heard the provisions of this bill read, I desire to know from the gentleman if it is not on all fours with the similar incorporation law of the State of New York.

Mr. GROUT. It is, and also with the law of Pennsylvania.

Mr. BINGHAM. Especially the Pennsylvania law.

Mr. FARQUHAR. And those institutions in New York are about the most secure that I know of.

Mr. GROUT. This is on all fours with that law, and on account of this being in the District of Columbia we put it under the control of the Comptroller of the Currency, whose inspection and supervision is just the same as that over national banks. He may seize an institution that is going wrong and wind it up at any time. The courts may also appoint additional persons to visit and examine the accounts of these concerns whenever application is made by any person having any interest. The law is not that spoken of by Judge Cartter. That was a loosely drawn bill that was introduced two or three years since. Nor is the action of the Bar Association of January 15 applicable to this bill, for it was not reported until the 28th of April. It was the result of much work by the subcommittee who had it in charge, and who labored to make it perfect and complete so that it should protect everybody's rights and at the same time should grant, as the gentleman from Pennsylvania [Mr. BINGHAM] intimated in his inquiry of the gentleman from Ohio [Mr. GROSVENOR], the privilege of persons to choose whether they will have a private administrator appointed or whether they will authorize this corporation to act as trustee.

Mr. BERGEN. Will the gentleman allow me to ask him a question?

Mr. GROUT. I can not yield, for I must save the time for the other side. Ask the gentleman from South Carolina [Mr. HEMPHILL] when he has the floor.

I yield the balance of my time to the gentleman from South Carolina [Mr. HEMPHILL].

The SPEAKER *pro tempore*. The gentleman has six minutes yet.

Mr. HEMPHILL. I should prefer to follow the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Speaker, while I accept the technical statement of the gentleman who has just taken his seat [Mr. GROUT] that this bill is somewhat different from the one to which so strong objection has been made by the court and by the bar of this city, yet the salient points in this bill are the salient points in that bill. Technically he is right; practically he is wrong. Now, my objection, in addition to what has been said by the gentleman from Ohio, is that the bill is sought for simply by a few rich men in this city who wish to monopolize all the business they can get under the guise of a trust company. Why, there is a larger and a brainier and a more persistent lobby, and always has been, in favor of this bill than any bill that I know of coming from the District of Columbia. Here you have the bar and the courts on the one side, as shown by the gentleman from Ohio, and these few men who simply want to make dollars on the other side. Now what do they ask? They ask you to give to them absolutely unlimited powers. The bill says that they may incorporate and do—

> First. A safe deposit, trust, loan, and mortgage business.
> Second. A title insurance, loan, and mortage business.
> Third. A security, guaranty, indemnity, loan, and mortage business.

There is no limitation there. They may conduct any business that they choose. You will find in section 5 also that—

> Fifth. When organized under subdivision 1 of the first section of this act to accept and execute trusts of any and every description which may be committed or transferred to them.

There is absolutely, so far as I have been able to read the bill, no limitation as to the scope, degree, and character of the business, the amount of capital, or the perpetuity of the corporation.

Mr. BUCHANAN, of New Jersey. Will the gentleman permit me?

Mr. ANDERSON, of Kansas. I decline to be interrupted.

Mr. BUCHANAN, of New Jersey. I wanted to call the attention of the gentleman to another defect in the bill.

Mr. ANDERSON, of Kansas. Please excuse me just now. So that we are to-day asked, with only thirty minutes for debate, to pass a bill that the House has never considered; a bill creating corporations of the most dangerous and the most powerful character that can be imagined, and these corporations situated, too, at the Capital of the Union. You are to have these trust companies with one million, five or ten millions, or whatever sum they please, in capital, and when one has thoroughly organized itself it can take in trust properties of all characters from anywhere.

It may take the interest in legislation of a railway company, and appear on the floor of this House as the attorney for any villainy in legislation that any railway company may wish, the Union Pacific robbery bill, for instance; and that is exactly what will come. It may take all the claim business of all the States in the Union. There is nothing in legislation that any man in the world may want done that he may not call upon one of these companies to do. In the mean time they will have grown in their social influence, their political influence in Congress, their relations to and corrupting and unbridled influence in the Departments, and then we all know how dangerous they will become. Why, there is one law firm in this town that to-day wields more power in legislation in the Departments and Congress than any five thousand other people in the town.

Suppose you have one of these great corporations standing here with all its power, with all varieties of trusts and claims, strong, rich, brainy, and, as a matter of course, audacious and unscrupulous, for who ever knew of a corporation having scruples where it was carrying on some interest or claim of its own? Gentlemen, my opposition to this bill is because I believe it to be the beginning of a class of national legislation the most dangerous of any concerning corporations that has ever been proposed. I sincerely believe, if this bill becomes a law, that thirty years from this time there will be more corruption in American legislation, there will be more danger to American institutions in Washington, than ever; and it will become a stench in the nostrils of the community. That is why I oppose the bill.

I have always on this floor sought to resist the aggressions of corporations, and the claim has always been made that you need a corporation for the purpose of doing something which individuals can not do. We need this in order to build a railroad which a few individuals can not do; but in this case an individual can do all the business. Individuals have always done it in this country. You have partnerships and firms which handle claims and deposits; but you propose now to inaugurate a new line, a new era, a new consolidation of business, and to throw a great aggregation of power and capital and political and lobby influence into the hands of the few men in these trust corporations when there is no necessity for it; when the courts of the District beg you not to do it; when the bar begs you not to do it, and when nobody asks for it but a few men who want to make more money than they are now making.

Now, that is the exact status of this case. If we had time to go into the details of this bill I am satisfied there are many gentlemen upon this floor who would propose amendments. The bill never would go out of the House as it comes into it; but it is to be put through in a short time under the spur simply because the lobby wants it, and for the plausible reasons that have been suggested and will be, when there is no public necessity for it, and when none of the great people in America, no voters in America, are asking for it with all its dangerous consequences.

I reserve the balance of my time. How much have I remaining?

The SPEAKER *pro tempore*. The gentleman has eight minutes yet remaining.

Mr. BUCHANAN, of New Jersey. Will the gentleman permit me to ask him a question?

Mr. ANDERSON, of Kansas. I will yield to the gentleman five minutes if he desires it.

Mr. BUCHANAN, of New Jersey. I simply want to ask you a question, and that is whether this bill does not propose to incorporate companies under perpetual charters without any limitation on the area in which they can carry on their business?

Mr. ANDERSON, of Kansas. It is absolutely unlimited.

Mr. BUCHANAN, of New Jersey. And gives them a perpetual charter to carry on business?

Mr. GROSVENOR. And not only that, but by the decision of the court of the District of Columbia it can be made the receiver of a railroad in Florida or in Maine, and can bring such a road's business from Maine or from Ohio into the District of Columbia.

The SPEAKER *pro tempore*. The gentleman from Kansas is still entitled to the floor.

Mr. GROUT. I would like to answer the question of the gentleman from New Jersey.

Mr. HOPKINS. If the statement of the gentleman from Ohio is true we ought to defeat this bill.

Mr. GROUT. Will the gentleman allow me to answer the question that was asked by the gentleman from New Jersey with reference to the time that the charter was to run?

Mr. GROSVENOR. I can not hear the gentleman.

Mr. ANDERSON, of Kansas. Mr. Speaker, this is not to come out of our time. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROUT. The Senate provides that it shall be limited to fifty years.

Mr. BUCHANAN, of New Jersey. Then the provision of the House bill is changed.

Mr. GROUT. It is changed in that respect, Mr. Speaker.

Mr. HOPKINS. What has the gentleman to say as to the statement of the gentleman from Ohio [Mr. GROSVENOR]?

Mr. ANDERSON, of Kansas. This is not to come out of our time.

Mr. BUCHANAN, of New Jersey. There is no limitation contained in this bill here.

Mr. GROUT. Certainly, Mr. Speaker, and we thought there should not be any put in.

Mr. BUCHANAN, of New Jersey. You would let them go all over the United States?

Mr. GROUT. I would like to ask the gentleman from New Jersey——

Mr. GROSVENOR. I do not yield the floor.

The SPEAKER *pro tempore*. The gentleman from Ohio is entitled to six minutes.

Mr. GROSVENOR. But there has been a colloquy going on on the question, and it has not been my fault if gentlemen have occupied the time.

The SPEAKER *pro tempore*. The gentleman has been participating in it.

Mr. HOPKINS. The gentleman can charge it to me.

Mr. GROSVENOR. Mr. Speaker, I would have liked the gentleman from South Carolina to have discussed the operation of this bill before I had the concluding speech, but I will not make any complaint about that. I understand, and I have to take the statement from the gentleman for it, that this Pennsylvania law, which it is cited as working well, and I do not presume to say it does not, has no limit as to the amount of capital stock, and that the requirement and the nature of the security has to be fixed by the court. That is a different provision from this one.

Now I want members of this House to understand that they are voting——

The SPEAKER *pro tempore*. The gentleman from Ohio will suspend until order is secured.

Mr. GROSVENOR. I do not want to lose any of my time.

The SPEAKER *pro tempore*. Gentlemen will please take their seats and cease conversation.

I want gentlemen to understand that they are about to vote for a bill that may put their own estates, although they may live out on the Pacific Slope, into the hands of some favored corporation here in the District of Columbia, to be administered; and the insolvent railroads and other like corporation of the sovereign Gulf States may be brought into the District of Columbia and put into the grasp of a monopoly. I use the word knowingly and intelligently. What is a monopoly? A monopoly is an organization created by law, whether by naming the incorporators or by fixing the terms of the incorporation, which excludes the average majority of persons from participating in it. Now, I say that a bill which excludes everybody that can not raise a million of dollars is a monopoly of the worst character. What is this bill? It is a bill to bring within the jurisdiction of the courts of the District of Columbia every insolvent estate, every dead man's estate, every guardian's trust on the continent of America, and to build up here in the city of Washington a great legalized monopoly of the law business of the United States. It is a bill to impoverish the estates that are compelled to come here for adjudication and settlement.

If the gentlemen favoring this bill would put the capital stock at a quarter million dollars that would still be five times greater than any guardianship bond ordinarily given in the District of Columbia, but it would permit other people to come into this line of business and would thereby lessen the tendency to monopoly. But while they stand upon the capital of a million, or half a million, or three hundred thousand dollars, I protest against the bill upon that ground if upon no other. The bill is an innovation upon the settled principles of legal procedure in this country, dangerous in its nature, and certain to be deleterious to the best interests of the people in its administration. It is putting the grasp of a great central corporation upon certain classes of the business of the country and excluding everybody else from participation in that business.

I protest, Mr. Speaker, that this bill ought to be brought down to the terms of the Pennsylvania statute in any event, or to the terms of the New York statute. It is a great mistake to say that the New York statute is not limited territorially in its operation. But here is a measure which, like the high-priesthood of Melchizedek, is without "beginning of days or end of life." It has no limitation in geographical operation, and it has no limitation to its life. It is a perpetual succession, with perpetual power to draw into its maw all the estates of the surrounding country.

Mr. Speaker, at the proper time I shall offer an amendment to this bill.

EXTENSION OF THE DAY'S SESSION.

The SPEAKER. The Chair desires to ask unanimous consent that the session of to-day be extended from 5 o'clock until 6 o'clock p. m., as there is a possibility of the presentation of an important conference report.

There was no objection, and it was so ordered.

TRUST, LOAN, AND OTHER CORPORATIONS IN THE DISTRICT.

Mr. HEMPHILL. Mr. Speaker, I have been very much astonished at the criticism that has been passed upon this bill, and I am satisfied that the gentlemen who have criticised it have done so because of a misapprehension of its provisions. I am convinced that there has never been presented to any legislative assembly a bill more properly and securely guarded than this measure is, and instead of its being an innovation such as the gentleman from Ohio [Mr. GROSVENOR] has described in eloquent terms, it is simply following out the law that is in operation in more than one-half the States of this Union. We all know that the time has gone by when large estates can be handled by an executor or administrator in his own person.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit a question?

Mr. HEMPHILL. I can not yield now because I have so little time. Otherwise I should be glad to hear the gentleman's question.

Mr. HOOKER. Why can not an individual administer an estate as well now as heretofore?

Mr. HEMPHILL. For the reason that he can not give the security that is required to administer upon a large estate amounting to a million or two million dollars. There have been instances in this District and in several of the States of this Union where gentlemen of large possessions have had to go into other States and there appoint some of these corporations their executor or trustees to administer upon their estates.

Now, Mr. Speaker, I want to call the attention of the House to the fact that this matter of administering upon estates is not put by this bill into the hands of this corporation. The bill expressly provides that the corporation is not to be appointed as administrator unless the other persons who, under the existing law, now have the right to administer are unable to do so.

The matter is absolutely under the control of this statute as it stands to-day, and this bill simply provides that if the widow, or the children, or the creditors do not come in and administer, then the court may appoint one of these corporations to act as administrator. But it will be observed that the court can not appoint the corporation administrator of any estate unless the other parties who have now under the law the right to administer refuse to do so or are unable to do so. Therefore it is simply making an addition of another person who will have the right to administer when the necessity arises.

Now, something has been said about this being a great monopoly. The bill, which was read in the presence of the House, provides that any twenty-five persons anywhere in this District shall have the right to form a corporation of this character; and there can not be a monopoly when the privilege of organizing companies of this character is thus extended impartially to all persons. It is provided that any corporation, when organized, shall deposit one-fourth of the amount of its capital with the Comptroller of the Currency as security for the faithful execution of the trusts committed to it. In addition to that, the capital stock of the company is absolutely liable for any default whatever. If the assets of an estate are stolen the company must make up the loss, no matter under what circumstances the robbery may have occurred. If the company has in its charge property which is burned up it must refund the value, no matter whether the fire occurs by the negligence of the company or not. In addition to this, the stockholders are liable in an amount equal to the capital which they pay into the company, so that each stockholder is responsible not only for the money he puts into the corporation, but for 100 per cent. besides. It is also provided that there shall be constant supervision of these corporations; the court at any time it sees fit may call upon them for additional security.

Unless we are going to deny to the people of this District that which is granted by legislation in more than half of the States of this Union

to their citizens, there can be no objection to this bill. In Ohio they have now such a law, as they have in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, Georgia, Louisiana, Illinois, etc.

Mr. GROSVENOR. There is no such law as this in Ohio.

Mr. HEMPHILL. There is no such law, because they do not have so good a one. I have examined the statutes of the different States; the gentleman from Ohio has not done so.

Mr. GROSVENOR. In Ohio the operation of our corporations is limited to the State.

Mr. HEMPHILL. No, sir. If I choose to appoint a corporation of the State of Ohio as executor of my estate, I have a right to do so.

Mr. GROSVENOR. But a court can not do it.

Mr. HEMPHILL. And a court can not do it under this bill. No court under the sun can appoint a man an executor outside of the State. If that is the thing which is troubling the gentleman I wish to say that so far as I am concerned I have no objection to an amendment providing that a court in Maryland, or South Carolina, or Virginia or any other State shall not appoint one of these corporations in this District an executor.

Mr. GROSVENOR. That is not my point. I want you to agree that a court of the District or Columbia shall not appoint a receiver or guardian upon an estate in Florida or Ohio.

Mr. HEMPHILL. Why, of course, Mr. Speaker, everybody ought to know that a court in the District of Columbia can have no charge of property in Florida or South Carolina; and it can not appoint anybody to administer such property.

Mr. GROSVENOR. That is what this bill undertakes to do.

Mr. HEMPHILL. We can not do it by any act under the sun.

Mr. JOSEPH D. TAYLOR. I would like to ask the gentleman from South Carolina a question.

The SPEAKER. The time allowed for debate has expired.

Mr. BUCHANAN, of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 8 of section 1, after the word "on," insert "in the District of Columbia;" so as to read "any number of natural persons, not less than twenty-five, may associate themselves together to form a corporation for the purpose of carrying on in the District of Columbia any one of the three classes of business," etc.

Mr. HEMPHILL. We do not object to that.

The SPEAKER. Without objection, the amendment will be considered as adopted.

There was no objection.

Mr. McCORMICK. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of section 7 add the following:

"That any corporation formed under the provisions of this act, when acting as trustee, shall be liable to account for the amounts actually earned by the moneys held by it in trust, in addition to the principal so held; but such corporation may be allowed a reasonable compensation for services performed in the care of the trust estate."

Mr. HEMPHILL. I have no objection to that. That is the law already.

The SPEAKER. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. GROSVENOR. I desire to offer an amendment. I have framed it with reference to the text of the House bill, for I can not get a copy of the Senate bill; but I think it will be intelligible.

The Clerk read as follows:

In line 16, page 2, strike out "$1,000,000" and insert "$250,000."

Mr. GROSVENOR. This merely changes the amount of capital from one million to a quarter of a million dollars; that is to say, a quarter of a million dollars is the minimum; the stockholders may increase it as they see fit.

Mr. HEMPHILL. The difficulty about that is that it may lead to the formation of a number of very small companies. This bill, as the gentleman from Kansas and the gentleman from Ohio have stated, confers very large powers upon these corporations; and it is a dangerous thing to give to a corporation with only $250,000 capital the powers here granted. I wish to say that there are already three companies of this character in operation in this District, and I know of one more ready to go into operation, so that there will be at least four, and probably five or six, of these companies. There is no danger of there being a monopoly.

Mr. JOSEPH D. TAYLOR. I wish to inquire of the gentleman whether in any of the States of this Union there is a law providing that there must be a capital of $1,000,000 before the company shall be authorized to transact business.

Mr. HEMPHILL. Well, I can not say about that.

Mr. BAKER. I can answer the gentleman——

Mr. JOSEPH D. TAYLOR. There is no such law.

Mr. HEMPHILL. Then, if you knew, you need not have asked me.

The SPEAKER. The time for debate has expired, and the question is on agreeing to the amendment.

The amendment was rejected.

Mr. GROSVENOR. I now offer the amendment I send to the desk, to be added to section 34.

The Clerk read as follows:

*Provided*, That the courts of the District of Columbia shall not have power to appoint any trustee, trustees, guardians, receivers, or other trustees of a fund or property located outside of the District of Columbia, or belonging to a corporation or person having a legal residence or location outside of said District.

Mr. GROSVENOR. That will come in at the end of the thirty-fourth section and will make the law just what the gentleman from South Carolina says it is now.

Mr. HEMPHILL. I have no objection to that.

The amendment was adopted.

Mr. BAKER. I offer the amendment I send to the desk.

The Clerk read as follows:

In section 11, line 1, after the word "company," insert the words "surety or guaranty company."

Mr. GROUT. That is already provided for in section 2.

Mr. BAKER. I think not. It is certainly not provided for in this section.

Mr. GROUT. But if the gentleman wants it in again I have no objection.

Mr. BAKER. It is not in the bill now.

The amendment was adopted.

Mr. MOREY. I offer an amendment, Mr. Speaker.

The Clerk read as follows:

In the first section, after the words "natural persons," insert the words "citizens of the United States."

The amendment was adopted.

Mr. MOREY. I offer another amendment.

The Clerk read as follows:

In section 1 strike out "one million" and insert "five hundred thousand."

The amendment was rejected.

The question being taken upon ordering the bill as amended to be read a third time, on a division there were—ayes 84, noes 66.

The bill was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. ANDERSON, of Kansas. On that I demand the yeas and nays.

Mr. HOLMAN. Let us first take the vote by a division.

Mr. ANDERSON, of Kansas. Very well; I withdraw the demand.

The question was taken; and on a division there were—ayes 86, noes 66.

Mr. ANDERSON, of Kansas, and Mr. HOLMAN demaded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 84, not voting 150; as follows:

YEAS—91.

| | | | |
|---|---|---|---|
| Adams, | Covert, | Mason, | Rusk, |
| Anderson, Miss. | Craig, | Miles, | Sanford, |
| Arnold, | Crain, | Moffitt, | Sawyer, |
| Atkinson, Pa. | Culbertson, Pa. | Moore, N. H. | Scull, |
| Atkinson, W. Va. | Cutcheon, | Morrill, | Snider, |
| Baker, | Dalzell, | Morrow, | Stephenson, |
| Banks, | Dingley, | Morse, | Stewart, Vt. |
| Bayne, | Dorsey, | Nute, | Stivers, |
| Beckwith, | Evans, | Oates, | Struble, |
| Belden, | Farquhar, | O'Neill, Pa. | Taylor, Ill. |
| Belknap, | Gear, | Osborne, | Thomas, |
| Bingham, | Greenhalge, | Payne, | Townsend, Pa. |
| Bowden, | Grout, | Perkins, | Tracey, |
| Brewer, | Harmer, | Post, | Turner, Ga. |
| Brosius, | Haugen, | Price, | Turner, Kans. |
| Burton, | Hayes, | Quackenbush, | Vandever, |
| Candler, Mass. | Heard, | Quinn, | Van Schaick, |
| Carter, | Hemphill, | Raines, | Wallace, Mass. |
| Caswell, | Ketcham, | Randall, | Wallace, N. Y. |
| Clark, Wis. | Kinsey, | Ray, | Wickham, |
| Cogswell, | Langston, | Reyburn, | Wikinson, |
| Coleman, | Lansing, | Rife, | Wilson, Wash. |
| Conger, | Lodge, | Rockwell, | |

NAYS—84.

| | | | |
|---|---|---|---|
| Allen, Mich. | Flick, | Laws, | Seney, |
| Anderson, Kans. | Flower, | Lehlbach, | Sherman, |
| Andrew, | Forney, | Lester, Ga. | Simonds, |
| Bartine, | Fowler, | Lewis, | Smith, Ill. |
| Bergen, | Gest, | Lind, | Smith, W. Va. |
| Blount, | Goodnight, | McAdoo, | Smyser, |
| Boothman, | Grosvenor, | McCarthy, | Stewart, Tex. |
| Brickner, | Hall, | McClellan, | Stockbridge, |
| Brookshire, | Hansbrough, | McCormick, | Stockdale, |
| Buchanan, N. J. | Hatch, | McMillin, | Stone, Ky. |
| Caldwell, | Henderson, Ill. | Morey, | Sweney, |
| Candler, Ga. | Herbert, | Mutchler, | Taylor, E. B. |
| Caruth, | Hitt, | O'Donnell, | Taylor, J. D. |
| Cheadle, | Holman, | O'Neil, Mass. | Thompson, |
| Clancy, | Hopkins, | Penington, | Tillman, |
| Dickerson, | Kelley, | Pickler, | Waddill, |
| Dolliver, | Kennedy, | Pugsley, | Wheeler, Ala. |
| Dunnell, | Kerr, Iowa | Reed, Iowa | Wheeler, Mich. |
| Dunphy, | Kilgore, | Reilly, | Whitthorne, |
| Featherston, | Lacey, | Russell, | Wike, |
| Fitch, | La Follette, | Sayers, | Williams, Ohio. |

NOT VOTING—150.

| | | | |
|---|---|---|---|
| Abbott, | Cooper, Ohio | Lane, | Phelan, |
| Alderson, | Cothran, | Lanham, | Pierce, |
| Allen, Miss. | Cowles, | Lawler, | Richardson, |
| Bankhead, | Crisp, | Lee, | Robertson, |
| Barnes, | Culberson, Tex. | Lester, Va. | Rogers, |
| Barwig, | Cummings, | Magner, | Rowell, |
| Biggs, | Dargan, | Maish, | Rowland, |
| Blanchard, | Darlington, | Mansur, | Scranton, |
| Bland, | Davidson, | Martin, Ind. | Shively, |
| Bliss, | De Haven, | Martin, Tex. | Skinner, |
| Boatner, | De Lano, | McClammy, | Spinola, |
| Boutelle, | Dibble, | McComas, | Spooner, |
| Breckinridge, | Dockery, | McCord, | Springer, |
| Brower, | Edmunds, | McCreary, | Stahlnecker, |
| Brown, J. B. | Ellis, | McDuffie, | Stewart, Ga. |
| Browne, T. M. | Enloe, | McKenna, | Stone, Mo. |
| Browne, Va. | Ewart, | McKinley, | Stump, |
| Brunner, | Finley, | McRae, | Tarsney, |
| Buchanan, Va. | Fithian, | Miller, | Taylor, Tenn. |
| Buckalew, | Flood, | Milliken, | Townsend, Colo. |
| Bullock, | Forman, | Mills, | Tucker, |
| Bunn, | Frank, | Montgomery, | Turner, N. Y. |
| Burrows, | Funston, | Moore, Tex. | Vaux, |
| Butterworth, | Geissenhainer, | Morgan, | Wade, |
| Bynum, | Gibson, | Mudd, | Walker, |
| Campbell, | Gifford, | Niedringhaus, | Washington, |
| Cannon, | Grimes, | Norton, | Whiting, |
| Carlton, | Hare, | O'Ferrall, | Wiley, |
| Catchings, | Haynes, | O'Neall, Ind. | Willcox, |
| Cheatham, | Henderson, Iowa | Outhwaite, | Williams, Ill. |
| Chipman, | Henderson, N. C. | Owen, Ind. | Wilson, Ky. |
| Clarke, Ala. | Hermann, | Owens, Ohio | Wilson, Mo. |
| Clements, | Hill, | Parrett, | Wilson, W. Va. |
| Clunie, | Hooker, | Paynter, | Wright, |
| Cobb, | Houk, | Payson, | Yardley, |
| Comstock, | Kerr, Pa. | Peel, | Yoder. |
| Connell, | Knapp, | Perry, | |
| Cooper, Ind. | Laidlaw, | Peters, | |

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. DE HAVEN with Mr. BIGGS.

Mr. BELDEN with Mr. FLOWER.

Mr. OWEN, of Indiana, with Mr. JASON B. BROWN.

Mr. CONNELL with Mr. ALDERSON.

Mr. PETERS with Mr. MANSUR.

Mr. YARDLEY with Mr. KERR, of Pennsylvania.

Mr. WRIGHT with Mr. GEISSENHAINER.

Mr. THOMAS M. BROWNE with Mr. ROGERS.

Mr. WILSON, of Kentucky, with Mr. PAYNTER.

Mr. EWART with Mr. HENDERSON, of North Carolina.

Mr. FINLEY with Mr. CANDLER, of Georgia.

Mr. BOWDEN with Mr. MCRAE.

Mr. BLISS with Mr. CHIPMAN.

Mr. MCCORD with Mr. FITHIAN.

Mr. COOPER, of Ohio, with Mr. WILSON, of Missouri.

Mr. MCKENNA with Mr. CLUNIE.

Mr. FRANK with Mr. BLAND.

Mr. WADE with Mr. DOCKERY.

Mr. DARLINGTON with Mr. PEEL.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. KETCHAM with Mr. CLARKE, of Alabama.

Mr. ROWELL with Mr. CRISP.

Mr. BUTTERWORTH with Mr. OUTHWAITE.

Mr. MCKINLEY with Mr. MILLS.

Mr. TAYLOR, of Tennessee, with Mr. LEE, for the rest of the day.

Mr. FLOOD with Mr. OWENS, of Ohio, for this day.

Mr. BROWER with Mr. MCCLAMMY, for this day.

Mr. MUDD with Mr. ABBOTT, for the rest of the day.

Mr. TOWNSEND, of Colorado, with Mr. TARSNEY, for the rest of the day.

Mr. FUNSTON with Mr. COBB, for the rest of the day.

Mr. HERMANN with Mr. LANHAM, for the rest of the day.

Mr. BROWNE, of Virginia, with Mr. WHITING, on this vote.

Mr. MCCOMAS with Mr. O'FERRALL, on this vote.

Mr. ENLOE. I withdraw my vote, as I am paired with my colleague, Mr. HOUK.

Mr. MCCORD. I also withdraw my vote, being paired.

The result of the vote was then announced as above recorded.

Mr. GROUT. I ask unanimous consent that a conference be ordered.

Mr. ANDERSON, of Kansas. I object.

The SPEAKER. The gentleman from Kansas objects.

The bill (H. R. 9795) on the same subject was laid on the table.

Mr. O'NEILL, of Pennsylvania. Regular order.

SHERMAN AND NORTHWEST RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 4309) granting right of way to the Sherman and Northwest Railway Company through the Indian Territory, and for other purposes.

Mr. PERKINS. Mr. Speaker, I will say to the House that that bill contains all the provisions that have been incorporated by the House in bills of like character, and I ask unanimous consent to dispense with the reading of the bill.

Mr. ANDERSON, of Kansas. Mr. Speaker, I would like to ask the gentleman a question, whether this bill does not confer in terms the ownership of the road upon this corporation.

Mr. PERKINS. I do not remember as to that particular, but if it does I am willing that the words should be stricken out and that the bill should be amended in that respect.

Mr. ANDERSON, of Kansas. Let the bill be amended in that regard.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ANDERSON, of Kansas. I move to amend by striking out the word "own" or "owning" wherever it occurs. I object to the idea of giving ownership of this road to this corporation by act of Congress.

The Clerk read as follows:

Amend by striking out the words "own" or "owning" wherever they occur in the bill.

The amendment was agreed to.

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

The House bill of similar import was ordered to lie on the table.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 5) for the relief of Bessie S. Gilmore;

A bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;

A bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general in the United States Army;

A bill (S. 3711) granting a pension to Ellen M. McClellan;

A bill (S. 4233) granting a pension to Jessie Benton Frémont;

A bill (S. 4375) to provide an American register for the steam-ship G. W. Jones, of New York;

A bill (H. R. 2174) to remove charges of desertion from Ellery C. Folger;

A bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes; and

A bill (H. R. 8943) to provide for the establishing of a port of delivery at Peoria, Ill.

THE REVENUE BILL.

Mr. MCKINLEY. Mr. Speaker, I rise to make a privileged report. I present the report of the committee of conference of the House and Senate on the disagreeing votes of the two Houses upon House bill 9416, and I ask that the report and statement accompanying the report, made by the House conferees, may be printed in the RECORD. I also ask unanimous consent that 500 copies of the bill, showing the changes recommended by the conferees, may be printed for the use of the House, to be delivered to-morrow morning.

A MEMBER. Make it 1,000.

Several MEMBERS. Make it 5,000.

Mr. DINGLEY. We do not want as many copies as that printed until the bill is passed.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] asks unanimous consent that the report and the statement of the conferees be printed in the RECORD—without reading?

Mr. MCKINLEY. Without reading, unless the reading is demanded.

The SPEAKER (continuing). And that 500 copies, showing the changes suggested by the conferees, be printed for the use of the House, for delivery in the morning.

Mr. MCADOO. I hope there will be 5,000 copies.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. MCMILLIN. Mr. Speaker, before this is agreed to——

Mr. HOLMAN. Mr. Speaker, I hope there will be 5,000 copies printed.

The SPEAKER. The suggestion of the gentleman from Ohio is, that 500 copies be printed for delivery to-morrow morning. If the House desires more copies, that can be arranged.

Mr. MCMILLIN. It is not to that branch of it that I propose to address myself. I wish to reserve the privilege of objecting. I do not wish to be forced to insist upon my right to object, but I wish to know, before the reading is dispensed with and the other steps are taken, what course the gentleman from Ohio [Mr. MCKINLEY] desires to take as to commencing the consideration of the conference report.

Mr. MCKINLEY. I wish to give notice that to-morrow, immediately after the reading of the Journal, I shall call up this report for consideration and final disposition.

Mr. MCMILLIN. Mr. Speaker, I trust that the gentleman from Ohio will not insist on that. The conferees did not agree on most of the controverted matters until late yesterday afternoon, and upon some of them not until to-day. The members of the House have never read the conference report. When this bill that it is asked to have printed is reported its intricacies can be observed. I state now, and an inspection of the bill will verify the statement, that it can not be properly

studied within the time which is indicated by the gentleman from Ohio.

It is utterly impossible to make a calm or thorough investigation within the time he has indicated, and I hope he will consent that it may be taken up Monday morning. [Cries of "Oh, no!" on the Republican side.] There is no disposition on this side of the House to improperly delay it, but it is an exceedingly important measure and I trust that that course will be taken. The petition I make is in behalf of those of us who have found it impossible, in the limited time since the conferees have agreed, to prepare the kind of a statement which ought to be made concerning the effects of the bill.

Mr. MCKINLEY. I desire to say in reply to the gentleman that the bill, which I have asked unanimous consent to have printed, will show in the most striking way all the changes that are recommended by the conference committee. Wherever a paragraph has been amended, the changes will appear in the bill in small caps, showing the exact phraseology that is reported and recommended by the committee of conference. I want to say further that as to the main features of this bill the points of disagreement between the House and the Senate have been perfectly well understood for weeks and are perfectly well known, and the subjects of all our differences are well known. Gentlemen on both sides of this Chamber are impatient to get home; and I must insist, Mr. Speaker, that to-morrow, after the reading of the Journal, we commence the consideration of this report.

Several MEMBERS. That is right.

Mr. MCMILLIN. Then, Mr. Speaker, if it is decreed that we must proceed to the consideration of it to-morrow afternoon, in order that those of us who have not seen the statement and have not had access to it can know what it is, I shall insist upon the reading, but not with a view to punishing the House. To printing the conference report in the RECORD I have no objection. I think that the report and statement should be printed in the RECORD. I believe they ought to be so printed because that is one means the House has of becoming familiar with the proposed changes.

Mr. CUTCHEON. May I ask the gentleman from Ohio——

The SPEAKER. Will the gentleman from Ohio give his attention? The Chair would like to know what the House has agreed to.

Mr. MCKINLEY. I move to dispense with the reading of the report, and have it printed in the RECORD.

Mr. MCMILLIN. Mr. Speaker, I believe, under the rules, that can not be done except by unanimous consent; and if this is to be proceeded with without consideration, I shall object. I demand the reading of the report.

Mr. MCKINLEY. I suggest, then, that we proceed with the reading of the report, and if it is not finished at 6 o'clock, when I am told a recess has been ordered, we then take the recess and conclude the reading to-morrow morning.

Mr. MCMILLIN. I object to anything except the regular order, as the gentleman insists upon proceeding to-morrow.

The SPEAKER. As the Chair understands, the conference report is to be printed in the RECORD.

Mr. MCMILLIN. That, Mr. Speaker, is agreed to.

The SPEAKER. Then the Chair hears no objection to the request of the gentleman from Ohio, with the exception of that portion relating to dispensing with the reading of the conference report, and the Clerk will proceed to read.

The Clerk proceeded to read the report of the committee of conference, which is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 57, 58, 63, 85, 93, 98, 101, 104, 105, 108, 109, 132, 161, 164, 176, 191, 192, 193, 247, 248, 251, 293, 294, 295, 306, 322, 324, 335, 338, 348, 350, 354, 355, 357, 360, 381, 382, 395, 396, 397, 418, 421, 443, 444, 449, 481, 482, 483, 484, 487, 497.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 12, 14, 20, 21, 22, 24, 25, 30, 31, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 56, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 91, 92, 99, 100, 102, 106, 107, 110, 111, 112, 113, 114, 119, 120, 121, 122, 127, 130, 131, 134, 135, 136, 137, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 179, 180, 182, 184, 185, 186, 187, 189, 195, 224, 225, 226, 227, 228, 229, 234, 238, 239, 240, 243, 244, 245, 246, 254, 261, 262, 263, 264, 265, 266, 267, 268, 270, 274, 275, 276, 277, 278, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 296, 299, 300, 301, 304, 305, 307, 310, 316, 319, 321, 323, 326, 328, 332, 334, 336, 337, 339, 340, 342, 343, 347, 349, 351, 353, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 373, 374, 375, 376, 377, 378, 383, 384, 385, 386, 387, 389, 392, 393, 394, 398, 399 400, 402, 403, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 454, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 488, 489, 490, 492, 493, 496; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Striking out the word "first," in line 1 of the bill, and inserting in lieu thereof the word "sixth;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"6. Tannic acid or tannin, 75 cents per pound."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"18. All coal-tar colors or dyes, by whatever name known, and not specially provided for in this act, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"19. All preparations of coal-tar, not colors or dyes, not specially provided for in this act, 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"26. Extracts and decoctions of logwood and other dye-woods, extract of sumac, and extracts of barks, such as are commonly used for dyeing or tanning, not specially provided for in this act, seven-eighths of 1 cent per pound; extracts of hemlock bark, one-half of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"28. Glycerine, crude, not purified, 1½ cents per pound; refined, 4½ cents per pound."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment striking out the paragraph and inserting in lieu as follows:

"33. Licorice, extracts of, in paste, rolls, or other forms, 5½ cents per pound."

And the Senate agree to the same.

Amendments numbered 17, 18, and 19: That the House recede from its disagreement to the amendments of the Senate numbered 17, 18, and 19, and agree to the same with amendments striking out the paragraph and inserting in lieu as follows:

"36. Alizarine assistant, or soluble oil, or oleate of soda, or Turkey red oil, containing 50 per cent. or more of castor oil, 80 cents per gallon; containing less than 50 per cent. of castor oil, 40 cents per gallon; all other, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"45. Peppermint oil, 80 cents per pound."

And the Senate agree to the same.

Amendments numbered 26 and 27: That the House recede from its disagreement to the amendments of the Senate numbered 26 and 27, and agree to the same with amendments by striking out the paragraph and inserting in lieu thereof as follows:

"49. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, $1.12 per ton; manufactured, $6.72 per ton."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"50. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, dry or ground in or mixed with oil, 6 cents per pound; in pulp or mixed with water, 6 cents per pound on the material contained therein when dry."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"53. Chrome yellow, chrome green, and all other chromium colors in which lead and bichromate of potash or soda are component parts, dry, or ground in or mixed with oil, 4½ cents per pound; in pulp or mixed with water, 4½ cents per pound on the material contained therein when dry."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"All paints and colors, mixed or ground with water or solutions other than oil, and commercially known as artists' water-color paints, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"68. Phosphorus, 20 cents per pound."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"85. Sulphate of soda, or salt-cake or niter-cake, $1.25 per ton."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"88. Sulphur, refined, $8 per ton; sublimed, or flowers of, $10 per ton."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"89. Sumac, ground, four-tenths of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"101. All other china, porcelain, parian, bisque, earthen, stone, and crockery ware, and manufactures of the same, by whatsoever designation or name known in the trade, including lava tips for burners, not specially provided for in this act, if ornamented or decorated in any manner, 60 per cent. ad valorem; if not ornamented or decorated, 55 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"103. Green, and colored, molded or pressed, and flint and lime glass bottles, holding more than one pint, and demijohns, and carboys (covered or uncovered), and other molded or pressed green and colored and flint or lime bottle glassware, not specially provided for in this act, 1 cent per pound. Green, and colored, molded or pressed and flint and lime glass bottles, and vials holding

not more than one pint and not less than one-quarter of a pint, 1½ cents per pound; if holding less than one-fourth of a pint, 50 cents per gross."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"105. Flint and lime, pressed glassware, not cut, engraved, painted, etched, decorated, colored, printed, stained, silvered, or gilded, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"106. All articles of glass, cut, engraved, painted, colored, printed, stained, decorated, silvered, or gilded, not including plate-glass silvered, or looking-glass plates, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"108. Thin blown glass, blown with or without a mold, including glass chimneys and all other manufactures of glass, or of which glass shall be the component material of chief value, not specially provided for in this act, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment No. 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"109. Heavy blown glass, blown with or without a mold, not cut or decorated, finished or unfinished, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"110. Porcelain or opal glassware, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 67, 68, 69, 70, and 71: That the House recede from its disagreement to the amendments of the Senate numbered 67, 68, 69, 70, and 71, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"112. Unpolished cylinder, crown, and common window glass, not exceeding 10 by 15 inches square, 1½ cents per pound; above that, and not exceeding 16 by 24 inches square, 1¾ cents per pound; above that, and not exceeding 24 by 30 inches square, 2¾ cents per pound; above that, and not exceeding 24 by 36 inches square, 2¾ cents per pound; all above that, 3½ cents per pound: *Provided*, That unpolished cylinder, crown, and common window glass imported in boxes shall contain 50 square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"122. All stained or painted window-glass and stained or painted glass windows, and hand, pocket, or table mirrors not exceeding in size 144 square inches, with or without frames or cases, of whatever material composed, lenses of glass or pebble, wholly or partly manufactured, and not specially provided for in this act, and fusible enamel, 45 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 86, 87, 88, 89, and 90: That the House recede from its disagreement to the amendments of the Senate numbered 86, 87, 88, 89, and 90, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"138. Boiler or other plate iron or steel, except saw-plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, five-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents per pound, sixty-five hundredths of 1 cent per pound; valued above 1.4 cents and not above 2 cents per pound, eight-tenths of 1 cent per pound; valued above 2 cents and not above 3 cents per pound, 1.1 cents per pound; valued above 3 cents and not above 4 cents per pound, 1.5 cents per pound; valued above 4 cents and not above 7 cents per pound, 2 cents per pound; valued above 7 cents and not above 10 cents per pound, 2.8 cents per pound; valued above 10 cents and not above 13 cents per pound, 3½ cents per pound; valued above 13 cents per pound, 45 per cent. ad valorem: *Provided*, That all plate iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets."

And the Senate agree to the same.

Amendments numbered 94, 95, 96, and 97: That the House recede from its disagreement to the amendments of the Senate numbered 94, 95, 96, and 97, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"143. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin-plates, terne-plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc or spelter, or other metals, or any alloy of those metals, shall pay three-fourths of 1 cent per pound more duty than the rates imposed by the preceding paragraph upon the corresponding gauges or forms of common or black sheet or taggers iron or steel: and on and after July 1, 1891, all iron or steel sheets, or plates, or taggers iron coated with tin or lead or with a mixture of which these metals or either of them is a component part, by the dipping or any other process, and commercially known as tin-plates, terne-plates, and taggers tin, shall pay 2.2 cents per pound: *Provided*, That on and after July 1, 1891, manufactures of which tin, tin-plates, terne-plates, taggers tin, or either of them, are component materials of chief value, and all articles, vessels, or wares manufactured, stamped, or drawn from sheet-iron or sheet-steel, such material being component of chief value, and coated wholly or in part with tin or lead or a mixture of which these metals or either of them is a component part, shall pay a duty of 55 per cent. ad valorem: *Provided further*, That on and after October 1, 1897, tin-plates and terne-plates lighter in weight than 63 pounds per hundred square feet shall be admitted free of duty, unless it shall be made to appear to the satisfaction of the President (who shall thereupon by proclamation make known the fact) that the aggregate quantity of such plates lighter than 63 pounds per hundred square feet produced in the United States during either of the six years next preceding June 30, 1897, has equaled one-third the amount of such plates imported and entered for consumption during any fiscal year after the passage of this act, and prior to said October 1, 1897: *Provided*, That the amount of such plates manufactured into articles exported, and upon which a drawback shall be paid, shall not be included in ascertaining the amount of such importations: *And provided further*, That the amount or weight of sheet-iron or sheet-steel manufactured in the United States and applied or wrought in the manufacture of articles or wares tinned or terne-plated in the United States, with weight allowance as sold to manufacturers or others, shall be considered as tin and terne plates produced in the United States within the meaning of this act."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"152. On all iron or steel bars or rods of whatever shape or section, which are cold rolled, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-fourth of 1 cent per pound in addition to the rates provided in this act; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet-iron or sheet-steel hereinbefore provided for, which are cold rolled, cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish, or polish better than the grade of cold rolled, smooth only, hereinbefore provided for, there shall be paid 1½ cents per pound in addition to the rates provided in this act upon plates, strips, or sheets of iron or steel of common or black finish; and on steel circular-saw plates there shall be paid 1 cent per pound in addition to the rate provided in this act for steel saw plates."

And the Senate agree to the same.

Amendments numbered 115 and 116: That the House recede from its disagreement to the amendments of the Senate numbered 115 and 116, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"186. Aluminium or aluminum, in crude form, alloys of any kind in which aluminum is the component material of chief value, 15 cents per pound."

And the Senate agree to the same.

Amendments numbered 117 and 118: That the House recede from its disagreement to the amendments of the Senate numbered 117 and 118, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"190. Bronze powder, 12 cents per pound; bronze or Dutch-metal, or aluminum, in leaf, 8 cents per package of 100 leaves."

And the Senate agree to the same.

Amendments numbered 123, 124, 125, and 126: That the House recede from its disagreement to the amendments of the Senate numbered 123, 124, 125, and 126, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof the following:

"191. Bullions and metal thread of gold, silver, or other metals, not specially provided for in this act, 30 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment striking out the paragraph and inserting in lieu thereof as follows:

"203. Nickel, nickel oxide, alloy of any kind in which nickel is the component material of chief value, 10 cents per pound."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment striking out the amendment and inserting in lieu thereof as follows:

"209. Tin: On and after July 1, 1893, there shall be imposed and paid upon cassiterite or black oxide of tin, and upon bar, block, and pig tin, a duty of 4 cents per pound: *Provided*, That unless it shall be made to appear to the satisfaction of the President of the United States (who shall make known the fact by proclamation) that the product of the mines of the United States shall have exceeded 5,000 tons of cassiterite, and bar, block, and pig tin in any one year prior to July 1, 1895, then all imported cassiterite, bar, block, and pig tin shall, after July 1, 1895, be admitted free of duty."

And the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment striking out the word "ten;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"219. Cedar: That on and after March 1, 1891, paving posts, railroad ties, and telephone and telegraph poles of cedar, shall be dutiable at 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"220. Sawed boards, plank, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet-woods not further manufactured than sawed, 15 per cent. ad valorem; veneers of wood, and wood, unmanufactured, not specially provided for in this act, 20 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"231. That on and after July 1, 1891, and until July 1, 1905, there shall be paid, from any moneys in the Treasury not otherwise appropriated, under the provisions of section 3689 of the Revised Statutes, to the producer of sugar testing not less than 90 degrees by the polariscope, from beets, sorghum, or sugar-cane grown within the United States, or from maple sap produced within the United States, a bounty of 2 cents per pound; and upon such sugar testing less than 90 degees by the polariscope and not less than 80 degrees a bounty of 1½ cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

And the Senate agree to the same.

Amendments numbered 162 and 163: That the House recede from its disagreement to the amendments of the Senate numbered 162 and 163, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"237. All sugars above No. 16, Dutch standard in color, shall pay a duty of five-tenths of 1 cent per pound: *Provided*, That all such sugars above No. 16, Dutch standard in color, shall pay one-tenth of 1 cent per pound in addition to the rate herein provided for, when exported from, or the product of any country when and so long as such country pays or shall hereafter pay, directly or indirectly, a bounty on the exportation of any sugar that may be included in this grade, which is greater than is paid on raw sugars of a lower saccharine strength; and the Secretary of the Treasury shall prescribe suitable rules and regulations to carry this provision into effect: *And provided further*, That all machinery purchased abroad and erected in a beet-sugar factory and used in the production of raw sugar in the United States from beets produced therein shall be admitted duty free until the 1st day of July, 1892: *Provided*, That any duty collected on any of the above-described machinery purchased abroad and imported into the United States for the uses above indicated since January 1, 1890, shall be refunded."

And the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an

amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"241. That the provisions of this act providing terms for the admission of imported sugars and molasses and for the payment of a bounty on sugars of domestic production shall take effect on the 1st day of April, 1891: *Provided*, That on and after the 1st day of March, 1891, and prior to the 1st day of April, 1891, sugars not exceeding No. 16 Dutch standard in color may be refined in bond without payment of duty, and such refined sugars may be transported in bond and stored in bonded warehouse at such points of destination as are provided in existing laws relating to the immediate transportation of dutiable goods in bond, under such rules and regulations as shall be prescribed by the Secretary of the Treasury."

And the Senate agree to the same.

Amendments numbered 177 and 178: That the House recede from its disagreement to the amendments of the Senate numbered 177 and 178, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"281. Pease, green, in bulk or in barrels, sacks, or similar packages, 40 cents per bushel of 60 pounds; pease, dried, 20 cents per bushel; split peas, 50 cents per bushel of 60 pounds; peas in cartons, papers, or other small packages, 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"293. Fish, smoked, dried, salted, pickled, frozen, packed in ice, or otherwise prepared for preservation, and fresh fish not specially provided for in this act, three-fourths of 1 cent per pound."

And the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"301. Oranges, lemons, and limes, in packages of capacity of 1½ cubic feet or less, 13 cents per package; in packages of capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 25 cents per package; in packages of capacity exceeding 2½ cubic feet and not exceeding 5 cubic feet, 50 cents per package; in packages of capacity exceeding 5 cubic feet, for every additional cubic foot or fractional part thereof, 10 cents; in bulk, $1.50 per one thousand, and in addition thereto a duty of 30 per cent. ad valorem upon the boxes or barrels containing such oranges, lemons, or limes."

And the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"318. Chocolate (other than chocolate confectionery and chocolate commercially known as sweetened chocolate), 2 cents per pound."

And the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"324. Dextrine, burnt starch, gum substitute, or British gum, 1½ cents per pound."

And the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the *following*:

"329. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this act, $2.50 per proof gallon."

And the Senate agree to the same.

Amendments numbered 196 to and including 223: That the House recede from its disagreement to the amendments of the Senate numbered 196 to and including 223, and agree to the same with amendments as follows: Strike out the paragraphs and insert in lieu thereof the following:

"332. Cordials, liquors, arrack, absinthe, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds containing spirits, and not specially provided for in this act, $2.50 per proof gallon.

"333. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than $1.50 per gallon.

"334. Bay-rum or bay-water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, $1.50 per gallon.

"335. Champagne and all other sparkling wines, in bottles containing each not more than 1 quart and more than 1 pint, $8 per dozen; containing not more than 1 pint each and more than one-half pint, $4 per dozen; containing one-half pint each or less, $2 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to $8 per dozen bottles, on the quantity in excess of 1 quart at the rate of $2.50 per gallon.

"336. Still wines, including ginger wine or ginger cordial and vermuth, in casks, 50 cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or twenty-four bottles or jugs, containing each not more than 1 pint, $1.60 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs: *Provided*, That any wines, ginger cordial, or vermuth imported containing more than 24 per cent. of alcohol shall be forfeited to the United States: *And provided further*, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors imported in bottles or jugs shall be packed in packages containing not less than one dozen bottles or jugs in each package; and all such bottles or jugs shall pay an additional duty of 3 cents for each bottle or jug, unless specially provided for in this act.

"337. Ale, porter, and beer, in bottles or jugs, 40 cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, 20 cents per gallon.

"338. Malt extract, fluid, in casks, 20 cents per gallon; in bottles or jugs, 40 cents per gallon; solid or condensed, 40 per cent. ad valorem.

"339. Cherry juice and prune juice, or prune wine, and other fruit juice, not specially provided for in this act, containing not more than 18 per cent. of alcohol, 60 cents per gallon; if containing more than 18 per cent. of alcohol, $2.50 per proof gallon.

"340. Ginger-ale, ginger-beer, lemonade, soda-water, and other similar waters in plain green or colored molded or pressed glass bottles, containing each not more than three-fourths of a pint, 13 cents per dozen; containing more than three-fourths of a pint each and not more than 1½ pints, 26 cents per dozen; but no separate or additional duty shall be assessed on the bottles; if imported otherwise than in plain green or colored molded or pressed glass bottles, or in such bottles containing more than 1½ pints each, 50 cents per gallon and in addition thereto duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty.

"341. All mineral waters, and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this act, in plain green or colored glass bottles, containing not more than 1 pint, 16 cents per dozen bottles. If containing more than 1 pint and not more than 1 quart, 25 cents per dozen bottles. But no separate duty shall be assessed upon the bottles. If imported otherwise than in plain green or colored glass bottles or if imported in such bottles containing more than 1 quart, 20 cents per gallon, and in addition thereto duty shall be collected upon the bottles or other covering at the same rates that would be charged if imported empty or separately."

And the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"*Provided*, That all such clothing ready made and articles of wearing apparel having India rubber as a component material (not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 50 cents per pound, and in addition thereto 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 231 and 232: That the House recede from its disagreement to the amendments of the Senate numbered 231 and 232, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"350. Plushes, velvets, velveteens, corduroys, and all pile fabrics composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, 10 cents per square yard and 20 per cent. ad valorem; on all such goods if bleached, 12 cents per square yard and 20 per cent. ad valorem; if dyed, colored, stained, painted, or printed, 14 cents per square yard and 20 per cent. ad valorem; but none of the foregoing articles in this paragraph shall pay a less rate of duty than 40 per cent. ad valorem.

"351. Chenille curtains, table covers, and all goods manufactured of cotton chenille, or of which cotton chenille forms the component material of chief value, 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"353. Stockings, hose, and half-hose, selvaged, fashioned, narrowed, or shaped wholly or in part by knitting-machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose or half-hose, all of the above, composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than 60 cents per dozen pairs, 20 cents per dozen pairs, and in addition thereto 20 per cent. ad valorem; valued at more than 60 cents per dozen pairs and not more than $2 per dozen pairs, 50 cents per dozen pairs, and in addition thereto 30 per cent. ad valorem; valued at more than $2 per dozen pairs, and not more than $4 per dozen pairs, 75 cents per dozen pairs, and in addition thereto 40 per cent. ad valorem; valued at more than $4 per dozen pairs, $1 per dozen pairs, and in addition thereto 40 per cent. ad valorem; and all shirts and drawers composed of cotton or other vegetable fiber, valued at more than $1.50 per dozen and not more than $3 per dozen, $1 per dozen, and in addition thereto, 35 per cent. ad valorem; valued at more than $3 per dozen and not more than $5 per dozen, $1.25 per dozen, and in addition thereto, 40 per cent. ad valorem; valued at more than $5 per dozen and not more than $7 per dozen, $1.50 per dozen, and in addition thereto, 40 per cent. ad valorem; valued at more than $7 per dozen, $2 per dozen, and in addition thereto, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 235, 236, and 237: That the House recede from its disagreement to the amendments of the Senate numbered 235, 236, and 237, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"357. Flax, not hackled or dressed, 1 cent per pound.

"358. Flax, hackled, known as 'dressed line,' 3 cents per pound.

"359. Tow, of flax or hemp, one-half of 1 cent per pound."

And the Senate agree to the same.

Amendments numbered 241 and 242: That the House recede from its disagreement to the amendments of the Senate numbered 241 and 242, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"362. Cables, cordage, and twine (except binding-twine composed wholly of manila or sisal-grass), 1½ cents per pound; all binding-twine manufactured in whole or in part from istle or Tampico fiber, manila, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 2½ cents per pound; tarred cables and cordage, 3 cents per pound."

And the Senate agree to the same.

Amendments numbered 249 and 250: That the House recede from its disagreement to the amendments of the Senate numbered 249 and 250, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"367. Flax gill-netting, nets, webs, and seines, when the thread or twine of which they are composed is made of yarn of a number not higher than 20, 15 cents pet pound and 35 per cent. ad valorem; when made of threads or twines the yarn of which is finer than number 20, 20 cents per pound, and in addition thereto 45 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 252 and 253: That the House recede from its disagreement to the amendments of the Senate numbered 252 and 253, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"370. Yarns or threads composed of flax or hemp, or of a mixture of either of these substances, valued at 13 cents or less per pound, 6 cents per pound; valued at more than 13 cents per pound, 45 per cent. ad valorem.

"371. All manufactures of flax or hemp, or of which these substances, or either of them, is the component material of chief value, not specially provided for in this act, 50 per cent. ad valorem: *Provided*, That until January 1, 1894, such manufactures of flax containing more than 100 threads to the square inch, counting both warp and filling, shall be subject to a duty of 35 per cent. ad valorem in lieu of the duty herein provided."

And the Senate agree to the same.

Amendment numbered 255: That the House recede from its disagreement to the amendment of the Senate numbered 255, and agree to the same with an amendment as follows: Striking out the amendment and inserting in lieu thereof the following: "Shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem;" and the Senate agree to the same.

Amendments numbered 256, 257, 258, and 259: That the House recede from its disagreement to the amendments of the Senate numbered 256, 257, 258, and

259, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"373. Laces, edgings, embroideries, insertings, neck rufflings, ruchings, trimmings, tuckings, lace window-curtains, and other similar tamboured articles, and articles embroidered by hand or machinery, embroidered and hem-stitched handkerchiefs, and articles made wholly or in part of lace, rufflings, tuckings, or ruchings, all of the above-named articles, composed of flax, jute, cotton, or other vegetable fiber, or of which these substances or either of them, or a mixture of any of them, is the component material of chief value, not specially provided for in this act, 60 per cent. ad valorem: *Provided*, That articles of wearing apparel, and textile fabrics, when embroidered by hand or machinery, and whether specially or otherwise provided for in this act, shall not pay a less rate of duty than that fixed by the respective paragraphs and schedules of this act upon embroideries of the materials of which they are respectively composed."

And the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"374. All manufactures of jute, or other vegetable fiber, except flax, hemp, or cotton, or of which jute, or other vegetable fiber, except flax, hemp, or cotton, is the component material of chief value, not specially provided for in this act, valued at 5 cents per pound or less, 2 cents per pound; valued above 5 cents per pound, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 269: That the House recede from its disagreement to the amendment of the Senate numbered 269, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"396. On clothing, ready made, and articles of wearing apparel of every description, made up or manufactured wholly or in part, not specially provided for in this act, felts not woven, and not specially provided for in this act, and plushes and other pile fabrics, all the foregoing, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, the duty per pound shall be four and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto 60 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 271, 272, and 273: That the House recede from its disagreement to the amendments of the Senate numbered 271, 272, and 273, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"407. Carpets and carpeting of wool, flax, or cotton, or composed in part of either, not specially provided for in this act, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 279: That the House recede from its disagreement to the amendment of the Senate numbered 279, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"411. Velvets, plushes, or other pile fabrics containing, exclusive of selvages, less than 75 per cent. in weight of silk, $1.50 per pound and 15 per cent. ad valorem; containing, exclusive of selvages, 75 per cent. or more in weight of silk, $3.50 per pound and 15 per cent. ad valorem; but in no case shall any of the foregoing articles pay a less rate of duty than 50 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 281: That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: Striking out the proviso and inserting in lieu thereof the following:

"*Provided*, That all such clothing ready made and articles of wearing apparel when composed in part of India rubber (not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 8 cents per ounce, and in addition thereto 60 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"419. Papers known commercially as copying-paper, filtering-paper, silver-paper, and all tissue-paper, white or colored, made up in copying-books, reams, or in any other form, 8 cents per pound, and in addition thereto 15 per cent. ad valorem; albumenized or sensitized paper, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"422. Paper hangings and paper for screens or fire-boards, writing-paper, drawing-paper, and all other paper not specially provided for in this act, 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 297 and 298: That the House recede from its disagreement to the amendments of the Senate numbered 297 and 298, and agree to the same with amendments as follows: Striking out the paragraphs and inserting in lieu thereof the following:

"429. Buttons commercially known as agate buttons, 25 per cent. ad valorem; pearl and shell buttons, 2½ cents per line button measure of one-fortieth of 1 inch per gross, and in addition thereto 25 per cent. ad valorem.

"430. Ivory, vegetable ivory, bone or horn buttons, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 302 and 303: That the House recede from its disagreement to the amendments of the Senate numbered 302 and 303, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"443. Feathers and downs of all kinds, crude or not dressed, colored, or manufactured, not specially provided for in this act, 10 per cent. ad valorem; when dressed, colored, or manufactured, including quills of down and other manufactures of down, and also including dressed and finished birds suitable for millinery ornaments, and artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not specially provided for in this act, 50 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 308 and 309: That the House recede from its disagreement to the amendments of the Senate numbered 308 and 309, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"456. Calf-skins, tanned, or tanned and dressed, dressed upper leather, including patent, enameled, and japanned leather, dressed or undressed, and finished; chamois or other skins not specially enumerated or provided for in this act, 20 per cent. ad valorem; book-binders' calf-skins, kangaroo, sheep and goat skins, including lamb and kid skins, dressed and finished, 20 per cent. ad valorem; skins for morocco, tanned but unfinished, 10 per cent. ad valorem; piano-forte leather and piano-forte action leather, 35 per cent. ad valorem; japanned calf-skins, 30 per cent. ad valorem; boots and shoes, made of leather, 25 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 311, 312, 313, 314, and 315: That the House recede from its disagreement to the amendments of the Senate numbered 311, 312, 313, 314, and 315, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"459. Manufactures of alabaster, amber, asbestus, bladders, coral, catgut, or whip-gut, or worm-gut, jet, paste, spar, wax, or of which these substances or either of them is the component material of chief value, not specially provided for in this act, 25 per cent. ad valorem; osier or willow prepared for basket-makers' use, 30 per cent. ad valorem; manufactures of osier or willow, 40 per cent. ad valorem."

And the Senate agree to the same.

Amendments numbered 317 and 318: That the House recede from its disagreement to the amendments of the Senate numbered 317 and 318, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"461. Manufactures of leather, fur, gutta-percha, vulcanized India rubber known as hard rubber, human hair, papier-maché, indurated fiber wares and other manufactures composed of wood or other pulp, or of which these substances or either of them is the component material of chief value, all of the above not specially provided for in this act, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows:

"463. Masks, composed of paper or pulp, 35 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 325: That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with an amendment as follows: Strike out the paragraph and insert in lieu thereof the following:

"465. Paintings, in oil or water colors, and statuary, not otherwise provided for in this act, 15 per cent. ad valorem; but the term 'statuary' as herein used shall be understood to include only such statuary as is cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as is the professional production of a statuary or sculptor only."

And the Senate agree to the same.

Amendment numbered 327: That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows:

"466. Slate pencils, 4 cents per gross."

And the Senate agree to the same.

Amendment numbered 329: That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"468. Pipes, pipe-bowls, of all materials, and all smokers' articles whatsoever, not specially provided for in this act, including cigarette-books, cigarette-book covers, pouches for smoking or chewing tobacco, and cigarette-paper in all forms, 70 per cent. ad valorem; all common tobacco pipes of clay, 15 cents per gross."

And the Senate agree to the same.

Amendments numbered 330 and 331: That the House recede from its disagreement to the amendments of the Senate numbered 330 and 331, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"470. Umbrellas, parasols, and sun-shades, covered with silk or alpaca, 55 per cent. ad valorem; if covered with other material, 45 per cent. ad valorem."

And the Senate agree to the same.

Amendment numbered 333: That the House recede from its disagreement to the amendment of the Senate numbered 333, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"SEC. 2. On and after the 6th day of October, 1890, unless otherwise specially provided for in this act, the following articles when imported shall be exempt from duty."

And the Senate agree to the same.

Amendment numbered 341: That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"491. Art educational stops, composed of glass and metal and valued at not more than 6 cents per gross."

And the Senate agree to the same.

Amendments numbered 344, 345, and 346: That the House recede from its disagreement to the amendments of the Senate numbered 344, 345, and 346, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"515. Books, maps, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for educational, philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe."

And the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"535. Clay: Common blue clay in casks suitable for the manufacture of crucibles."

And the Senate agree to the same.

Amendment numbered 356: That the House recede from its disagreement to the amendment of the Senate numbered 356, and agree to the same with an amendment, as follows: Striking out the paragraph and inserting in lieu thereof the following:

"571. Fish, the product of American fisheries, and fresh or frozen fish (except salmon) caught in fresh waters by American vessels, or with nets or other devices owned by citizens of the United States."

And the Senate agree to the same.

Amendment numbered 372: That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"674. Peltries and other usual goods and effect of Indians passing or repassing the boundary line of the United States, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That this exemption shall not apply to goods in bales or other packages unusual among Indians."

And the Senate agree to the same.

Amendments numbered 379 and 380: That the House recede from its disa-

greement to the amendments of the Senate numbered 376 and 380, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"699. Seeds: Anise, canary, caraway, cardamon, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mustard, rape, St. John's bread or bene, sugar-beet, mangel-wurzel, sorghum or sugar-cane for seed, and all flower and grass seeds; bulbs and bulbous roots, not edible; all the foregoing not specially provided for in this act."

And the Senate agree to the same.

Amendment numbered 388: That the House recede from its disagreement to the amendment of the Senate numbered 388, and agree to the same with an amendment as follows: Striking out the paragraph and inserting in lieu thereof the following:

"736. Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated, until July 1, 1893, and thereafter as otherwise provided for in this act."

And the Senate agree to the same.

Amendments numbered 390 and 391: That the House recede from its disagreement to the amendments of the Senate numbered 390 and 391, and agree to the same with amendments as follows: Striking out the paragraph and inserting in lieu thereof the following:

"755. Fire-wood, handle-bolts, heading-bolts, stave-bolts, and shingle-bolts, hop-poles, fence-posts, railroad ties, ship-timber, and ship-planking, not specially provided for in this act."

And the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "July, eighteen hundred and ninety-one," and insert in lieu thereof the words "January, eighteen hundred and ninety-two;" and the Senate agree to the same.

Amendment numbered 404: That the House recede from its disagreement to the amendment of the Senate numbered 404, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 6. That on and after the 1st day of March, 1891, all articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, shall, respectively, be plainly marked, stamped, branded, or labeled in legible English words, so as to indicate the country of their origin; and unless so marked, stamped, branded, or labeled they shall not be admitted to entry."

And the Senate agree to the same.

Amendments numbered 405, 406, and 407: That the House recede from its disagreement to the amendments of the Senate numbered 405, 406, and 407, and agree to the same with amendments as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 7. That on and after March 1, 1891, no article of imported merchandise which shall copy or simulate the name or trade-mark of any domestic manufacture or manufacturer shall be admitted to entry at any custom-house of the United States. And in order to aid the officers of the customs in enforcing this prohibition any domestic manufacturer who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs."

And the Senate agree to the same.

Amendment numbered 445: That the House recede from its disagreement to the amendment of the Senate numbered 445, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 27. That all provisions of the statutes imposing restrictions of any kind whatsoever upon farmers and growers of tobacco in regard to the sale of their leaf-tobacco, and the keeping of books, and the registration and report of their sales of leaf-tobacco, or imposing any tax on account of such sales, are hereby repealed: *Provided, however*, That it shall be the duty of every farmer or planter producing and selling leaf-tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf-tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every farmer or planter who willfully refuses to furnish such information, or who knowingly makes false statements as to any of the facts aforesaid, shall be guilty of a misdemeanor, and shall be liable to a penalty not exceeding $500."

And the Senate agree to the same.

Amendment numbered 446: That the House recede from its disagreement to the amendment of the Senate numbered 446, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 28. That section 3381 of the Revised Statutes be, and the same is hereby, amended by striking out all after the said number and substituting therefor the following:

"'Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and number of the street where he resides, the State or States through which he proposes to travel; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of $500, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell nor offer for sale any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used.'"

And the Senate agree to the same.

Amendment numbered 447: That the House recede from its disagreement to the amendment of the Senate numbered 447, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 29. That section 3383, Revised Statutes, as amended by section 15 of the act of March 1, 1879, be, and the same is hereby, amended by striking out all of said section and by substituting in lieu thereof the following:

"'Every peddler of tobacco shall obtain a certificate from the collector of his collection district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, and the fact of his having filed the required bond; and shall on demand of any officer of internal revenue produce and exhibit his certificate. And whenever any peddler refuses to exhibit his certificate, as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse or mule, wagon and contents, or pack, bundle, or basket, of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling house, require such peddler to show cause, if any he has, why the horses or mules, wagons and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures. Any internal-revenue agent may demand production of and inspect the collector's certificate for peddlers, and refusal or failure to produce the same, when so demanded, shall subject the party guilty thereof to a fine of not more than $500 and to imprisonment for not more than twelve months.'"

And the Senate agree to the same.

Amendment numbered 448: That the House recede from its disagreement to the amendment of the Senate numbered 448, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 30. That on and after the 1st day of January, 1891, the internal taxes on smoking and manufactured tobacco shall be 6 cents per pound, and on snuff 6 cents per pound."

And the Senate agree to the same.

Amendment numbered 450: That the House recede from its disagreement to the amendment of the Senate numbered 450, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 31. That section 3363, Revised Statutes, be, and hereby is, amended by striking out all after said number and substituting the following:

"'No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from packages authorized by section 3362 of the Revised Statutes; and every person who sells or offers for sale any snuff or any kind of manufactured tobacco not so put up in packages and stamped shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than two years.'"

And the Senate agree to the same.

Amendment numbered 451: That the House recede from its disagreement to the amendment of the Senate numbered 451, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 32. That section 3392 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same hereby is, amended to read as follows:

"'All cigars shall be packed in boxes not before used for that purpose, containing respectively 25, 50, 100, 200, 250, or 500 cigars each: *Provided, however*, That manufacturers of cigars shall be permitted to pack in boxes not before used for that purpose cigars not to exceed 13 nor less than 12 in number, to be used as sample boxes; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000 and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers, who have paid the special tax as such, from boxes packed, stamped, and branded in the manner prescribed by law: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him, and sells or removes for consumption or use, in packages or parcels containing 10, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house before they are withdrawn therefrom.'"

And the Senate agree to the same.

Amendment numbered 452: That the House recede from its disagreement to the amendment of the Senate numbered 452, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 33. That section 3357 of the Revised Statutes, as amended by section 2 of the act of June 9, 1880, be, and the same is, amended by striking out all after the number and inserting in lieu thereof the following:

"'Every collector shall keep a record, in a book or books provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns; and he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue.'"

And the Senate agree to the same.

Amendment numbered 453: That the House recede from its disagreement to the amendment of the Senate numbered 453, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 34. That section 3389 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same is hereby, amended so as to read as follows:

"'Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventory and monthly returns; and he shall cause the several manufacturers of cigars in the district to be numbered consecutively, which number shall not thereafter be changed.'"

And the Senate agree to the same.

Amendment numbered 455: That the House recede from its disagreement to the amendment of the Senate numbered 455, and agree to the same with an amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 35. That section 3387 of the Revised Statutes, as amended by section 16 of the act of March 1, 1879, be, and the same is hereby, amended by striking from the said section the following words, namely, '$500, with an additional $100 for each person proposed to be employed by him in making cigars,' and inserting in lieu of the words so stricken out the words 'one hundred dollars.'"

And the Senate agree to the same.

Amendment numbered 480: That the House recede from its disagreement to the amendment of the Senate numbered 480, and agree to the same with an

amendment as follows: Striking out the section and inserting in lieu thereof the following:

"SEC. 42. That any producer of pure sweet wines, who is also a distiller, authorized to separate from fermented grape-juice, under internal-revenue laws, wine spirits, may use, free of tax, in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, so much of such wine spirits so separated by him as may be necessary to fortify the wine for the preservation of the saccharine matter contained therein: *Provided*, That the wine spirits so used free of tax shall not be in excess of the amount required to introduce into such sweet wines an alcoholic strength equal to 14 per cent. of the volume of such wines after such use: *Provided further*, That such wine containing, after such fortification, more than 24 per cent. of alcohol, as defined by section 3249 of the Revised Statutes, shall be forfeited to the United States: *Provided further*, That such use of wine spirits free from tax shall be confined to the months of August, September, October, November, December, January, February, March, and April of each year. The Commissioner of Internal Revenue, in determining the liability of any distiller of fermented grape-juice to assessment under section 3309 of the Revised Statutes, is authorized to allow such distiller credit in his computation for the wine spirits used by him in preparing sweet wine under the provisions of this section."

And the Senate agree to the same.

Amendment numbered 485: That the House recede from its disagreement to the amendment of the Senate numbered 485, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"SEC. 47. That all provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same when reimported as an original importation."

And the Senate agree to the same.

Amendment numbered 486: That the House recede from its disagreement to the amendment of the Senate numbered 486, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"SEC. 48. That any person using wine spirits or other spirits which have not been tax-paid in fortifying wine, otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not more than $2,000, and for every offense other than the first also by imprisonment for not more than one year."

And the Senate agree to the same.

Amendment numbered 491: That the House recede from its disagreement to the amendment of the Senate numbered 491, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"*Provided*, That any imported merchandise deposited in bond in any public or private bonded warehouse, having been so deposited prior to the 1st day of October, 1890, may be withdrawn for consumption at any time prior to February 1, 1891, upon the payment of duties at the rates in force prior to the passage of this act: *Provided further*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its withdrawal."

And the Senate agree to the same.

Amendment numbered 494: That the House recede from its disagreement to the amendment of the Senate numbered 494, and agree to the same with an amendment striking out the section and inserting in lieu thereof as follows:

"SEC. 52. That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint, and be proclaimed by the Secretary of the Treasury immediately after the passage of this act, and thereafter quarterly on the 1st day of January, April, July, and October in each year."

And the Senate agree to the same.

Amendment numbered 495: That the House recede from its disagreement to the amendment of the Senate numbered 495, and agree to the same with an amendment as follows: Add to section 35, at the end, the following:

"And it shall be the duty of special-tax payers to render their returns to the deputy collector at such times within the calendar month in which the special-tax liability commenced as shall enable him to receive such returns, duly signed and verified, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3176 of the Revised Statutes."

And the Senate agree to the same.

WM. McKINLEY, JR.,
J. C. BURROWS,
THOS. M. BAYNE,
N. DINGLEY, JR.,
*Managers on the part of the House o Representatives.*

NELSON W. ALDRICH,
JOHN SHERMAN,
W. B. ALLISON,
FRANK HISCOCK,
*Managers on the part of the Senate.*

The statement of the conferees is as follows:

In presenting their report on House bill 9416, the conferees on the part of the House submit the following statement intended to explain their action in the conference committee:

When passed by the House the bill provided for an estimated reduction of $71,000,000 in round numbers, of which about $10,500,000 was from internal-revenue taxes. As passed by the Senate the estimated reduction was $60,000,000 exclusive of the internal-revenue provisions of the House bill. There was no material difference in the estimated reduction between the House and Senate when the bill was referred to the conference committee so far as the tariff schedules are concerned, and your committee believe that this difference has not been materially affected by the action of the conferees.

In the chemical schedules the differences were numerous, most of them, however, being verbal, and where substantial were not important.

In the earthenware schedule the House rates on china and earthen ware were retained. In the glassware paragraphs the House classifications have been retained in the main. A few changes were made by the conference in the paragraphs on bottles, intended to give greater clearness to the phraseology and to guard the interests of the Government. On window-glass the Senate reduced the House rates, and a compromise was effected by adjusting rates between those of the two Houses, which are an advance on those of the Senate and a slight deduction on those of the House. In the higher grades of glassware the rates of the House were compound. These were changed by the conference and ad valorem rates substituted, and a uniform rate of 60 per cent. adopted.

In the metal schedule a number of changes were made by the Senate, some of which were believed to be too low to afford proper protection to the great industries to be affected. The amendments made by the Senate and the adjustment by the conference committee are fully set forth in the print of the bill which accompanies the conference report, and which shows the action of the two Houses and the action of the conferees, respectively. Several additional classifications have been made in the paragraphs relating to steel plates, sheets, and billets, these changes being confined to the lowest grades of steel, the rates of the House on the higher grades being retained. The House rate on railway bars of six-tenths of 1 cent per pound, or $13.44 per ton, has been retained. The Senate rate of one-half of 1 cent per pound on copper has been accepted by the conferees.

The changes in the wood schedule are not material.

In the agricultural schedule the House rates are mainly retained. Garden seeds have been reduced from 40 per cent., as proposed by the House, to 20 per cent., the rate substituted by the Senate, and turnip seed, which the Senate placed on the free-list, transferred to the dutiable-list. The paragraph on fish was reconstructed and the rate reduced from 1 cent per pound, as fixed by the House, to three-fourths of 1 cent per pound. Oranges, lemons, and limes, which the House made dutiable at double the present rates in order to afford protection and encouragement to the planters of California and Florida, the Senate reduced to rates somewhat above the present law. The House conferees yielded reluctantly to this reduction. An amendment was added to that of the Senate imposing an additional duty of 30 per cent. on the packages in which oranges, lemons, and limes are imported. The paragraphs inserted by the Senate imposing a discriminating duty of 10 per cent. on tea, the produce of countries east of the Cape of Good Hope, when imported from countries east of the Cape of Good Hope, were struck out.

In the liquor schedule the Senate made increases on the various forms of wines and liquors. The House rates were restored except on champagne and spirits, leaving still-wines and malt liquors at the existing rates of duty. A few verbal changes were made in this schedule for the purpose of insuring additional security to the revenue.

In the cotton schedule but few changes were made in the amendments of the Senate, all of which will appear in the bill herewith presented.

The Senate made several reductions in the flax schedule which the House conferees believed to be dangerous to the success of that industry. The House conferees were not able to maintain the House rates in all cases, but those agreed to are increases on those of the Senate. The Senate placed binding-twine on the free-list. After a long conference the rates agreed to were seven-tenths of 1 cent per pound.

The wool schedule was not materially amended by the Senate. Two of the three substantial amendments related to worsted yarns and cloths and were more in the nature of corrections of errors than a change in rates.

The Senate struck out the bounty provisions proposed in the silk schedule of the bill as passed by the House. Other amendments which restore the language and rates of the present law were made. In these your committee concurred.

In the paper schedule the changes made are not material, and relate to classification rather than to rates.

A number of changes have been made in the sundries schedule, but with one exception these are of such character as not to require special mention. The one exception is that relating to paintings and statuary, which the House placed on the free-list and which the Senate restored to the dutiable-list at 30 per cent. ad valorem. The conferees, after an earnest contention, decided to retain paintings and statuary on the dutiable-list at 15 per cent. ad valorem, which is one-half the present duty.

In the sugar schedule the Senate struck out the House provision making sugar up to and including No. 16 Dutch standard free of duty, and substituted No. 13 as the line of free sugar. The Senate made sugar above 13 to 16 dutiable at three-tenths of a cent a pound, and above 16 Dutch standard dutiable at six-tenths of a cent a pound. The House bill made sugar dutiable at four-tenths of a cent a pound. The House conferees maintained No. 16 as the line for free sugar above No. 16, and the Senate conferees receded.

The conferees agreed and recommend to their respective Houses that sugar above No. 16 Dutch standard shall be dutiable at five-tenths of a cent a pound, and an additional one-tenth of a cent a pound upon all sugars imported from countries which pay an export bounty on sugar above No. 16 Dutch standard.

The House conferees agreed to the following amendment of the Senate:

"(401) SEC. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of July, 1891, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:

"All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests as follows, namely:

"All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, seven-tenths of 1 cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two-hundredths of 1 cent per pound additional.

"All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely: All sugar above No. 13 and not above No. 16 Dutch standard of color, 1⅛ cents per pound.

"All sugar above No. 16 and not above No. 20 Dutch standard of color, 1½ cents per pound.

"All sugars above No. 20 Dutch standard of color, 2 cents per pound.

"Molasses testing above 56 degrees, 4 cents per gallon.

"Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

"On coffee, 3 cents per pound.

"On tea, 10 cents per pound.

"Hides, raw or uncured, whether dry, salted, or pickled, Angora-goat skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheep-skins with the wool on, 1½ cents per pound."

The Senate struck out all the provisions of the bill as passed by the House providing for the reduction of internal-revenue taxes and the abolition of the special taxes or annual license on dealers in tobacco, cigars, and peddlers of tobacco and cigars. The conference committee restored these provisions, and those reducing the tax on manufactured tobacco and snuff to 6 cents per pound instead of 4 cents as provided by the House bill. The paragraphs relating to the sale of tobacco grown by small farmers without being required to pay a special tax have been restored. By the restoration of these paragraphs nearly seven hundred thousand persons are relieved from the payment of the annoying special taxes which are now imposed by law. The reduction which will be made to the revenue by these changes in the internal-revenue laws will be over $6,000,000 on the basis of the receipts for the fiscal year ending June 30, 1890, and nearly $6,000,000 on the basis of the receipts for the preceding fiscal year.

For the year ending June 30, 1890, the receipts from special taxes on the class of persons to be relieved by the bill were $1,515,481; from taxes on tobacco, $18,325,482, and from snuff, $737,731. By the passage of the bill the reduction in revenue from tobacco would be $4,581,370, and from snuff $184,433, making from these two sources an aggregate of $4,765,803. Adding these figures to the reduction which would follow in the abolition of special taxes would make the total reduction in the internal-revenue receipts $6,281,284. The reduction by the customs schedules will probably be about $60,000,000, which would give an aggregate reduction by the bill of about $66,000,000.

WM. MCKINLEY, JR.
J. C. BURROWS.
THOS. M. BAYNE.
N. DINGLEY, JR.

During the reading of the report of the committee of conference,

Mr. HENDERSON, of Illinois, said: Mr. Speaker, I ask unanimous consent to suspend the further reading of this report until to-morrow, if I can be recognized for that purpose.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the further reading until to-morrow. Is there objection? The Chair hears none.

Mr. BLOUNT. Mr. Speaker, if that is done I hope it will be agreeable to allow the report to be printed in the RECORD.

Mr. MCMILLIN. That has already been ordered, and the statement with it. I believe that was the understanding, that the statement was also to be printed.

The SPEAKER. The reading is to be continued to-morrow morning.

Mr. MCMILLIN. This does not interfere with the reading to-morrow. It is only the conference report, which has already been ordered to be printed.

Mr. BURROWS. Will not the gentleman from Tennessee let the statement be read, and waive the balance of the reading?

Mr. MCMILLIN. I will see about waiving to-morrow.

### CORRECTION OF RIVER AND HARBOR BILL.

Mr. HENDERSON, of Illinois. I desire, if I can get unanimous consent, to offer a joint resolution to correct an error in the river and harbor bill, and I ask to suspend the reading until it can be passed.

The SPEAKER. The Chair thinks five minutes more might be occupied in the reading, but without objection the resolution can be offered now, and then the reading can be resumed. The gentleman asks unanimous consent to suspend the reading long enough to enable him to present his resolution. Is there objection? The Chair hears none.

The Clerk read as follows:

A joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, be, and the same is hereby, amended so that the clause making appropriation for the improvement of Illinois River, Illinois, shall read: "Improving Illinois River, Illinois: Continuing improvement, $200,000."

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

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

### THE TARIFF.

The reading of the conference report was resumed.

Mr. MCKINLEY (during the reading). I understand the completion of this reading will take about ten minutes. I ask unanimous consent that the session be continued ten minutes longer, to enable the Clerk to finish the reading.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the session be extended until the reading of the report is concluded. Is there objection? The Chair hears none.

Mr. MCMILLIN. I rose, Mr. Speaker, for the purpose of objecting, but as the Speaker has made the announcement I will not object.

The SPEAKER. If the gentleman desires to object the Chair will entertain his objection.

Mr. MCMILLIN. I rose for the purpose of objecting; but I do not desire to seem to be in a race with the Speaker, though the Speaker did not use any unusual haste in making the announcement.

Mr. BRECKINRIDGE. I intended to object, and the reason I did not was because the gentleman from Tennessee rose to object, and as he is on the committee I did not object.

The SPEAKER. It has always been the custom of the House to take the statement of a member as to his purpose in rising. Objection is made.

Mr. BOUTELLE. I thought the gentleman from Tennessee wanted to hear the report read?

Mr. BRECKINRIDGE. I want to hear it read to-morrow.

Mr. BOUTELLE. Oh, you want to hear it to-morrow.

The SPEAKER. The hour of 6 o'clock having arrived, the House is declared in recess until 8 o'clock, when the gentleman from Kansas [Mr. PERKINS] will please preside as Speaker *pro tempore*.

## EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. PERKINS in the chair as Speaker *pro tempore*.

### CORRECTION.

Mr. MORRILL. Mr. Speaker, I notice that in connection with the consideration of a bill on last Friday evening granting a pension to a Mr. Haley, I am made to say in the RECORD that I was in command at the time he was wounded. What I did say was, that I was stationed with the command. I was a staff officer, and of course could not have been in command. I now yield the floor to the gentleman from Indiana [Mr. HOLMAN], who desires to call up a bill, and who is obliged to leave the House on account of illness in his family.

### MRS. ANN CARR.

Mr. HOLMAN. Mr. Speaker, I appreciate the kindness of the House, and will occupy only a moment. The bill which I propose to call up has not been reported by the Committee on Invalid Pensions, but I can say to the House that I have the permission of the chairman, and also of such other members of the committee as I could reach, to make the motion which I now do make, that the Committee on Invalid Pensions be discharged from the further consideration of the bill (H. R. 8508) granting a pension to Ann Carr, and that the bill be put upon its passage.

This lady is old and blind, and is dependent on the charity of working people. Her husband was in the Army for four years. I do not claim that she is entitled to this pension because of her husband's disability, but, as I have said, he was in the service for four years, and she is now old and blind and dependent, and it seems to me that under such circumstances, she being entitled to a pension of $8 per month under the law, it would be a generous and a proper act to allow her at least $12. It has been done in other cases, and I ask that the bill be read with the amount fixed at $12.

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 general pension laws, the name of Ann Carr, of Vevay, Ind., widow of Patrick Carr, late a private in Company K, Second Regiment of Indiana Volunteer Cavalry, and late of Company C, Eighth Regiment of Indiana Volunteer Infantry, and grant her a pension of $12 per month during her widowhood.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of this bill, and that it be now considered in the House.

There was no objection.

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

Mr. HOLMAN 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. MORRILL. Mr. Speaker, I now ask unanimous consent that we take up Senate bills, those upon the Calendar and also any others that have been reported but are not yet on the Calendar.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Chair desires to make a suggestion. It is quite probable that this is the last evening that we shall have for the consideration of business of this character during the present session, and while there are not many members yet in the Hall, the Chair has quite a large list, many gentlemen having spoken for recognition, so that they will probably be present during this evening session.

The Chair therefore suggests that the bills be read, and that the reports be printed in the RECORD without being read. In this way the time of the House will not be consumed in the reading of the reports. The Chair suggests that this arrangement be made with the understanding that any gentleman shall be at liberty in the morning to move for the reconsideration of the vote upon any particular bill if he shall feel called upon to do so.

Mr. KILGORE. I do not think that would be entirely satisfactory, Mr. Speaker. It is not a businesslike way of proceeding.

The SPEAKER *pro tempore*. The Chair is extremely anxious to give every gentleman present this evening recognition to call up a bill if it is possible to do so, this being probably the last pension evening that we shall have during this session of Congress.

Mr. KILGORE. Yes; I hope to get one of those recognitions myself [laughter], but still I think it is more important that we should proceed here in a businesslike manner than that any member or members should be recognized several times to call up bills. I am willing to give up the recognition that I am entitled to rather than have it go to the country that we are doing business in a way that we would not be willing to have known.

The RECORD shows the manner in which we transact this business and we would not like the country to know that it was done in that way, but it might leak out [laughter], and hence I think I must object to such an arrangement. Where a report is very long, however, I will not insist upon its being read, and I do not know that I care about having the reports on these Senate bills read.

The SPEAKER *pro tempore*. The Chair thinks that, while acting on the suggestion of the gentleman from Texas, every gentleman present can be accommodated this evening.

Mr. KILGORE. It is understood, however, that where reports are not read they shall be printed in the RECORD.

The SPEAKER *pro tempore*. Without objection, the reports on these Senate bills will be printed in the RECORD, but unless a special request is made they will not be read.

JOHN W. CABLE.

The first Senate bill was the bill (S. 3275) granting a pension to John W. Cable.

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 John William Cable, of Lawrence County, South Dakota, who served in the Ordnance Department as a soldier of the United States Army during the Mexican war, and by reason of that service is totally and permanently disabled, and that he be granted a pension of $24 per month instead of $8 per month, his present rating.

The report (by Mr. SCULL) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3275) granting a pension to John William Cable, have considered the same and beg leave to submit the following report:

Said bill is accompanied by Senate Report No. 1369. Your committee adopt the same as their report and return the bill to the House with the recommendation that it do pass.

[Senate Report No. 1369, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred Senate bill 3275, for the relief of John William Cable, have had the same under consideration and report as follows:

It appears from the evidence submitted to your committee that the pensioner, John W. Cable, entered the service of the United States on the 12th of May, 1846, having enlisted for five years; that he was an armorer and machinist by trade and was assigned to the Ordnance Department; that he was sent to the field with the Army in Mexico and there did gallant and effectual service, at the battle of Monterey and other battles, in charge of heavy mortars; that he served with General Taylor's command from the Rio Grande to Buena Vista; that, while he was so serving in the Army of the United States, in the month of April, 1847, at Black Fort, or Fort Confederation as it was afterwards called, while the pensioner was engaged in remounting some heavy cannon, he received an injury, to wit, a rupture, from the effects of which he has suffered more or less ever since; that on the 16th of May, 1847, he was honorably discharged from said service and received his certificate therefor, this discharge being the result of his own application; that afterward he served the United States during the war of rebellion in his capacity as armorer, serving a part of the time in the State of Pennsylvania, and afterwards going to Fort Scott, Kansas. In this capacity he served for four years. He also had two sons who served in the Twelfth Kansas Volunteers.

The pensioner is now over seventy years of age; he is very poor and unable to perform any kind of labor; he has no income except the $8 per month allowed him as a service pension under the law relating to pensioning survivors of the Mexican war; he is in feeble health, his injury has greatly increased, and has no one who is legally bound for his support.

Your committee, therefore, think this a meritorious case and that relief should be granted this soldier, and recommend the passage of the bill.

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

MICHAEL M'GARVEY.

The next Senate bill (on the Private Calendar) was the bill (S. 3196) granting a pension to Michael McGarvey.

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 Michael McGarvey, late of Company K of the First Regiment Missouri Light Artillery, and now blind in both eyes, and pay him a pension at the same rate allowed for loss of both eyes, in lieu of the pension now allowed him under certificate numbered 195607.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3196) granting an increase of pension to Michael McGarvey, submit the following report:

The Senate report clearly sets forth the facts in this claim and is hereby adopted with the following amendment: Striking out in line 10 the words "the same rate allowed for the loss of both eyes" and inserting "forty dollars per month."

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 3196) granting an increase of pension to Michael McGarvey, have examined the same, and report:

The claimant, Michael McGarvey, late of Company K, First Regiment Missouri Light Artillery, and now residing at Salem, Dent County, Missouri, is receiving a pension of $14 per month, $6 for gunshot wound and $8 for loss of the sight of the right eye.

About three years since he lost, accidentally, the sight of his left eye, thus rendering him totally blind. This accident is described in the affidavit hereto appended.

"The affiant, T. J. Scott, says that he has known Michael McGarvey, of Salem, Dent County, Missouri, intimately for eighteen or nineteen years; that said McGarvey was in the employ of the Scotia Iron Company for ten years, and in the employ of the Nova Scotia Iron Company for four years; that said affiant was the superintendent of said two companies for and during said years; that said McGarvey had but one good eye; that he had lost his right eye, as affiant is informed and believes, during his (McGarvey's) service as artilleryman in the United States service during the war of the rebellion.

"Affiant says that during the fall of 1887 said McGarvey was employed by him for purposes of mining in Stoddard County, Missouri, at the town of Puxico; that on November 29 of said year said McGarvey lost his left eye by a premature explosion in an iron-ore mine in an unavoidable accident.

"Affiant says that he saw said McGarvey the day after the accident occurred; that he removed him to Cape Girardeau, Mo.; that he remained there in a hospital for a week or ten days under care of a physician, whose name he can not now recall; that he then had him removed to St. Louis and placed him in a hospital, where he remained for some weeks under treatment of Dr. Green, known as the best oculist in St. Louis; that said treatment was continued for some weeks; that it was impossible to restore his sight, and that he has been totally blind since the date of said accident.

"Affiant says that McGarvey is a most worthy man.

"T. J. SCOTT.

"Subscribed and sworn to before me, a notary public in and for McCracken County, Kentucky, by T. J. Scott, this 6th day of March, 1890.

[SEAL.] "CLARENCE DALLAM,
"*Notary Public.*"

The amendment recommended by the committee in the report was agreed to.

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

MARTHA J. DODGE.

The next Senate bill was the bill (S. 792) granting a pension to Martha J. Dodge.

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 Martha J. Dodge, an army nurse during the late war of the rebellion, and pay her a pension at the rate of $12 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 792) granting a pension to Martha J. Dodge, submit the following report:

The Senate report sets forth the facts in this claim, and is adopted by your committee.

SENATE REPORT.

It appears that Miss Dodge was detailed by a commission signed by Mrs. D. P. Livermore, Mrs. A. L. Hoge, and Mrs. James E. Yeatman, of the Chicago Sanitary Commission, as an army nurse, and assigned to duty at Murfreesborough, Tenn., March 19, 1863, and served faithfully until the close of the war. She is now sixty-nine years old, and is supported by the Woman's Relief Corps, of St. Louis, Mo.

Your committee recommend the passage of the bill.

Her residence is 4830 North Broadway, St. Louis, Mo.

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

KATHERINE W. HOWELL.

The next Senate bill was the bill (S. 3649) granting increase of pension to Katherine W. Howell.

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, at the rate of $50 per month, in lieu of her present pension of $30 per month, the name of Katherine W. Howell, widow of the late Brig. Gen. Joshua B. Howell, commander of the Third Division, Tenth Corps, United States Army.

Mr. KILGORE. I ask for the reading of the report in this case.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3649) granting increase of pension to Katherine W. Howell, submit the following report:

Your committee recommend the adoption of the Senate report, which is as follows, and that the bill do pass:

"The Committee on Pensions, to whom was referred the bill (S. 3649) to increase the pension of Katherine W. Howell, have examined the same and submit the following report:

"Mrs. Katherine W. Howell is the widow of the late Brig. Gen. Joshua B. Howell, commander of the Third Division, Tenth Corps, United States Army. He was killed during the siege of Petersburgh on the 15th of September, 1864, while in command of the Third Division, Tenth Corps.

"General Howell entered the service of his country in the earliest period of the war as colonel of the gallant and battle-tried Eighty-fifth Pennsylvania Volunteers. In almost every battle of the first campaign on the Peninsula, at Williamsburgh, at Fair Oaks, protecting the retreat on Harrison's Landing, General Howell bore a prominent and often a distinguished part. He was the first to land his troops upon the island that gave the Union forces their firm foothold for the siege of Charleston; was commandant at Hilton Head, and served with honor in the Army of the James, and everywhere maintained a reputation high and growing for all the noble traits that are essential to the character of a gentleman and soldier.

"General Alfred H. Terry and General Q. A. Gillmore have testified in personal letters to his exhaustless ability and great bravery, the former stating, 'General Howell as a soldier, an officer, and a patriot had few equals and no superior; he was a loss both to the Army and the country.'

"Mrs. Katherine W. Howell is now of advanced age and an invalid. In view of the distinguished services of her husband in the defense of his country and her indigence and dependence, and in order that she may pass the few remaining years of her life in comfort, Mrs. Howell is entitled to $50 per month in lieu of her present pension of $30 per month.

"The bill is reported favorably, with a recommendation that it do pass."

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

The SPEAKER *pro tempore*. The Chair will recognize now, if there be no objection, the gentlemen from Georgia [Mr. TURNER], who desires to leave on account of an engagement with his committee this evening in connection with the tariff bill.

There was no objection.

DREWRY PORTER.

Mr. TURNER, of Georgia. I ask the present consideration of the bill (H. R. 11708) granting a pension to Drewry Porter.

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 Drewry Porter, of Mitchell County, Georgia, late a private in Captain McCrary's Georgia Volunteers in the Indian war of 1836, at the rate of $8 per month.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11708) granting a pension to Drewry Porter, have considered the same and report as follows:

The claimant is shown by the records of the Treasury Department to have served three months as a private in Capt. Isaac McCrary's company of Georgia Volunteers, Indian war of 1836.

In his petition for relief the claimant states that he participated in four battles during said war, and in one engagement received a slight wound of the left leg. He further states that he is now seventy-four years old, in failing health, and without any means of support aside from his daily labor.

W. N. Spence, of Mitchell County, Georgia, testifies that the claimant is a poor man, his only means of support being his manual labor. Mr. Spence further states that from his acquaintance with the claimant he believes the statements contained in his (the claimant's) petition for relief to be true.

In view of the claimant's service and his advanced age and necessitous condition, your committee believe that the relief prayed for should be granted. The passage of the bill is therefore recommended.

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

MARY L. MILLER.

The next Senate bill was the bill (S. 987) granting a pension to Mary L. Miller.

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 L. Miller, dependent mother of Warwick W. Miller, late of Company F, Second Regiment Wisconsin Volunteers, and pay her a pension at the rate of $12 per month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 987) granting a pension to Mary L. Miller, submit the following report:

The beneficiary is the dependent mother of Warwick W. Miller, late private in Company F, Second Wisconsin Regiment. She is unable to secure a pension under the recent law for the reason that the soldier died from the result of his military service, leaving a widow. It appears that no one is now drawing a pension on account of the deceased soldier. The Senate report is hereto attached and is made a part hereof.

Your committee believe this to be a just case, and therefore recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 987) granting a pension to Mary L. Miller, have examined the same and report:

This is a bill to pension Mary L. Miller, mother of Warwick W. Miller, who was a private in Company F, Second Wisconsin Regiment.

The soldier enlisted May 18, 1861, was discharged June 28, 1864, and died September 20, 1870.

After his death the widow was pensioned and her minor child. The widow drew a pension until she remarried, and the child until she arrived at the age of sixteen.

It appears that while the soldier was in the service he contributed to his mother's support. In affirmation of this the committee have the testimony of two witnesses, and he continued to aid her so far as he could after his marriage and until his death. When he died she had no means of support, and from that time to the present she has struggled to obtain a living by her own exertions, with very poor success. At the present time she is far advanced in years, is in delicate health, and being without resources from relatives or friends she is entirely destitute of income.

Her case corresponds with some of the needy and meritorious cases that Congress has sometimes recognized, and the committee do not think it will be any excess of liberality on the part of the Government to allow her the small pension provided for in the bill, which is reported favorably with a recommendation that it do pass.

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

BENJAMIN T. BAKER.

The next Senate bill was the bill (S. 2531) granting an increase of pension to Benjamin T. Baker.

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 T. Baker, late a quartermaster on the United States steamer Spuyten Duyvil in the United States Navy, and pay him at the rate of $50 per month, in lieu of that which he is now receiving.

Mr. KILGORE. I ask for the reading of the report.

The report (by Mr. NUTE) was read in part. It is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2531) granting a pension to Benjamin T. Baker, submit the following Senate report, and adopt the same as their report:

[Senate Report No. 309, Fifty-first Congress, first session.]

The distressing facts in this case are fully set forth in the sworn evidence filed with your committee. The statement by Mrs. Saville is especially full, and made so at the request of the member of the committee to whom the case was referred for special examination. It is indeed seldom that the tragic records of suffering occasioned by patriotic service have so strongly appealed to the justice and sympathy of the country.

We append the evidence in the case supporting the application for increase of pension.

WASHINGTON, D. C.

Benjamin T. Baker, being sworn according to law, certifies as follows:

I enlisted in Colonel Sewell's First New York Volunteer Engineers, Company H, Capt. F. Crusoe, January 22, 1862; served one year and six months; was honorably discharged for paralysis of the legs and other disabilities.

In June, 1864, I enlisted in the Navy as quartermaster; was with Capt. John Lay at Dutch Gap, on board the torpedo-boat Spuyten Duyvil. During the winter of 1864 and 1865 we lived on board the torpedo boat, the Government failing to send the tender for us to sleep on, as they had promised to do. I was in charge of the boat during Captain Lay's absence, and for five long, weary months had no berth to lie in. To keep the iron under water we filled bags of sand and put on the deck, being obliged to keep them wet all the time.

From these and donkey pumps the water was constantly dripping below on the torpedo-box on which I was obliged to lie. We could not stand on the top of the torpedo-boat for many minutes at a time, the weather being bitterly cold, and the frost and ice preventing our keeping a foothold. We were obliged to crouch down, or stand the best we could, between the wet bags. Our clothing was constantly saturated with water, and we had no place to go to in order to change, as everything we had was below and wet before we put it on. We took our meals on the Onondaga, a double-turreted monitor, which lay about 50 yards from us; we had no further privileges on the monitor. Our lives at this time were in great peril and we suffered more than words can describe.

During this winter I contracted bronchitis and was very ill for two months, my only resting place being the wet sand-bags and the torpedo-box below, with no spot to crawl into to escape the dripping water from above. In the spring I was sent to the hospital, at this time entirely helpless; I was two months in the hospital when the surgeon brought me my discharge, as my health was entirely broken, and at that time they did not think I would live to reach New York City, my home. I have suffered ever since with chronic bronchitis, and my life has been one long period of suffering.

I have been unable to support myself or family for long years, and have been dependent upon my daughter, who is now a widow, and is obliged to provide for us all by her own exertions. My family have to attend to me personally; my constitution has become so weakened by frequent paroxysms of coughing, which completely prostrated me. I desire to secure the highest grade of pension—$72 per month—as my sufferings have been severe and I am unable to care for myself, financially or physically, but a pensioner on others.

BENJAMIN T. BAKER.

Subscribed and sworn to before me this 17th day of April, A. D. 1888.

[SEAL.] M. M. ROHRER,
*Notary Public.*

This certifies that I am the daughter of Benjamin T. Baker, and personally cognizant of his condition in the past and at the present time. He has been an invalid since the war, having contracted chronic bronchitis while in the service of the United States Navy through neglect of the Government to provide proper accommodations while on board the torpedo-boat Spuyten Duyvil (Capt. John Lay) at Dutch Gap. No sleeping accommodation was provided him, and he was constantly saturated with the water which dripped from the deck above. He is a great sufferer; reduced to a skeleton from years of pain and torture, of which to give a copious account would make the heart of adamant turn in pity. He has had very severe hemorrhages from the lungs, in every instance leaving him near death. He can not bear the least atmospheric change without a violent fit of coughing, which lasts many minutes or an hour, as the case may be; in the latter event he becomes so exhausted he faints away, and lies unconscious until restoratives are administered, then he is unable to leave his couch for hours after. At such times we have to give him stimulants frequently, and by this artificial means keep him alive. He has not been able to bathe himself for several years.

He never lies down at night or rises in the morning without a long paroxysm of coughing, usually lasting an hour, and often longer. His medicine and a stimulant is always brought to his room and prepared for use, to relieve him if possible. These spells must be endured; he expects them upon rising and retiring, and the anticipation is such agony he often wishes himself dead. A poor, weak, emaciated body seems but to imprison a soul to torture and harass. The unseen particles floating in the air irritate his throat so constantly that an incessant hacking and expectoration is kept up night and day. No interval from pain marks the day, no respite of a few moments for the lungs in the efforts to clear the air passages. These convulsions are incessant, in a greater or less degree, month in and month out, while these drag into years, for his life is one long period of pain and suffering and fighting with disease. Four or five of these fearful paroxysms of coughing have to be gone through every day; hence his strength is gone and he is rendered entirely helpless.

He is now past seventy years old, with no hope of ever again being able to know a month's freedom from suffering. He served a double record during the late rebellion, having been in both the Army and the Navy, remaining in the Army until totally unfit for duty by sickness from exposure, only giving up when he could no longer stand on his feet, and then by order of the surgeon, who absolutely drove him from duty to the hospital, he being a friend, and fearing he would die on his feet. He left the hospital for his home, accompanied by two friends from New York, who went to fetch him, the surgeon quietly telling these friends he would die on the way home. This was the belief of every one. But he recovered sufficiently to go out, and immediately entered the Navy and again took up the cause of his country's honor. Surely his record as a soldier deserves some recognition, and his present condition a great deal of sympathy and the proper reward.

His wife is sixty-two years of age; entirely broken down in health, and terribly emaciated by constant anxiety and attendance upon her invalid husband. Her sight is so very defective from a cataract, and her other physical weakness, that she is no longer able to attend to his personal wants, as it is dangerous, even if her health would permit, for her to do so. In a moment of fright, when the said Benjamin T. Baker was in a violent paroxysm of coughing, she was hastening to him with a restorative, and supposing she had reached his room, she stepped off the stairs, falling down nineteen winding steps, escaping death by a miracle, but injuring herself very seriously. She was terribly bruised, and ill for three weeks; from this shock she probably never will recover.

The care of both parents now devolves upon me, which I am quite inadequate to, both financially and physically. I struggle through, but am fearful with this constant strain I shall give out completely. I am not able to employ a nurse; thus every little detail which makes up so much of an invalid's life depends on me. I must be in constant attendance. The proper care of one alone would be deemed sufficient for one person.

Aside from this my young sister is in a very precarious state of health. She is the only other living child of my parents, and her condition is another sorrow added to my life. She can not endure the severity of our Northern winters. Hitherto she has gone South, accompanied by mother or myself. Having met with severe financial losses two years ago, I could not go away with her or send her away with another. My means would not permit me to move my family, and I could not leave two invalids to preserve the life of another. My physician constantly warns me of my sister's danger, and I am saddened by the thought that I am chained by poverty, unable to raise my hand to save her. The money which I now employ to render my parents comfortable would permit me to make a provision for her, but at the present time we must keep together to live.

A consultation with our physician, Dr. T. H. Yarror, of Philadelphia, a few days since, resulted in the same warning words: "Your sister should go South in the early fall and remain until the late spring." This is ominous for me, and I can simply clasp my hands in despair.

My parents, and sister as well, are dependent upon me for everything—home, clothing, food, etc. Having no other income than the $24 a month awarded Benjamin T. Baker a few months ago, this amount hardly pays for the medicines and tonics which are constantly required, and as often changed in the hope of some new drug which may bring relief.

The physician's bill is also another of the cares which rest entirely upon me,

and this expenditure is not trifling. My sister being obliged from my inability to go away with her or send her away has caused me more expense in this direction for several years, as her condition is very much aggravated by the severity of this winter. She, too, is so weak I have to give her great care and be very watchful. It is a very distressing state of affairs for me to see her becoming more frail every day, and to feel that she is fading away like a flower simply because I can not give her the proper attention.

This case is all the more sad from the fact that in his enthusiasm Benjamin T. Baker, to preserve the honor and glory of his country, closed out a flourishing business, leaving his wife and young family a small competency to answer their wants during his absence, thereby changing their living from one of luxury and happiness to that of extreme economy, loneliness, and sorrow. We can only sit now and dwell upon the impoverishment of his family—everything gone, and he a dependent upon a widowed daughter. I am obliged to earn my living by my pen, which is often very embarrassing and in my case not remunerative. I barely make enough to provide for my dependent ones and myself. I am sadly retarded by the incessant care demanded of me, and I find my strength weakening.

I therefore make this statement of the true facts and the infirm and helpless condition of the said Benjamin T. Baker, hoping Congress will give him an increase of pension from $24 to $72 a month, his dependent and painful condition making his case worthy of this reward.

WILHELMINA A. SAVILLE.

Subscribed and sworn to before me 26th day of April, A. D. 1888.
[SEAL.] M. M. ROHRER, *Notary Public.*

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This certifies that I have known Benjamin T. Baker personally and am thoroughly cognizant of his condition. He has long been a sufferer from chronic bronchitis and hemorrhages. To my personal knowledge he is totally unable to aid himself, being a confirmed invalid, and being in such an enfeebled condition he requires the attendance of his wife or daughter constantly.

He has severe coughing spells, which render him insensible and prostrate him for hours at a time. He is reduced to a skeleton through disease contracted while in the Navy during the rebellion. He is entirely dependent upon his daughter (a widow), who is also dependent upon her own exertions for a livelihood, and who also has others dependent upon her. His wife is now in failing health, her sight being very defective and her physical condition generally giving way, rendering her unable to give personal attention to her invalid husband, thereby throwing the entire care upon her daughter, who can not afford to hire an attendant to relieve her.

O. S. DAVIS.

Subscribed and sworn to before me this 17th day of April, A. D. 1888, at Washington City, District of Columbia.
[SEAL.] JOHN T. C. CLARK, *Notary Public.*

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This certifies that I have known Benjamin T. Baker, formerly residing in Philadelphia, for several years. His physical condition renders him unable to support himself and family, he having suffered with chrosic bronchitis very severely, at times having severe hemorrhages. I attended him for several years during his residence in this city.

THOMAS J. YARROW, M. D.

PHILADELPHIA, *April* 14, 1888.

Sworn and subscribed to before me the 14th day of April, A. D. 1888. Witness my hand and notarial seal.
[SEAL.] F. T. CLARK, *Notary Public.*

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STATE OF PENNSYLVANIA,
*City and County of Philadelphia, ss:*

Personally came B. T. Fisher, residing in the city of Philadelphia, who, being duly affirmed according to law, affirms and says that he is acquainted with Benjamin T. Baker, formerly residing in the city of Philadelphia, now a resident of Washington City. From my knowledge of him and his family he has been for some time past wholly dependent upon the love and care of his daughter, Mrs. Wilhelmina Saville, herself a widow, dependent upon her own exertions to provide for herself and her father and mother. The said Benjamin T. Baker is in infirm health, now over seventy years of age, very deaf, and in my judgment will, during all his future years, be dependent upon others and not able to earn anything, by reason of his general physical debility; and I understand he requires an attendant nearly all the time to perform the ordinary things of life, such as washing himself, etc.

B. F. FISHER.

Affirmed and subscribed to before me, a notary public, this 13th day of April, 1888.
[SEAL.] WILLIAM E. KNOWLES,
*Notary Public.*

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STATE OF PENNSYLVANIA,
*City and County of Philadelphia, ss:*

Personally came Seth W. Wilson, residing in the city of Philadelphia, who, being duly sworn according to law, says that he is and has long been acquainted with Benjamin T. Baker, formerly residing in the city of Philadelphia, now a resident of Washington City. From my knowledge of him he has been for some time past wholly dependent upon his daughter, Mrs. W. A. Saville, herself a widow, supporting her father and mother by her own labor.

Mr. Baker, now over seventy years old, is, and has long been, in infirm health, is very deaf, and in my opinion will never be able to exercise any care or provision for himself, as he now requires a personal attendant in the ordinary exercise of daily life.

SETH W. WILSON.

Subscribed and sworn to this 13th day of April, A. D. 1888, before me.
[SEAL.] H. F. REARDON, *Notary Public.*

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STATE OF PENNSYLVANIA,
*City and County of Philadelphia, ss:*

Personally came A. L. Farrand, residing at Ardmore, Pa., who, being duly sworn according to law, says that he has been long acquainted with Benjamin T. Baker, formerly of Philadelphia, but now residing in Washington, D. C.; that the said Benjamin T. Baker, now past seventy years of age, is now, and has for several years past been, totally unfit to perform either mental or physical labor. The sole dependence of himself and wife rests upon his daughter, Mrs. W. A. Saville (widow), who is obliged to labor for their support.

A. L. FARRAND.

Sworn and subscribed to the 14th of April, A. D. 1888, before me,
[SEAL.] ISRAEL HECHT, *Notary Public.*

Mr. KILGORE. I would like to know what pension this man is drawing now. Does any one know anything about this bill? This man appears to have been a quartermaster—not a man whose claims would commend him to any preference.

Mr. MORRILL. The gentleman will bear in mind that in pensioning our soldiers and sailors the question is not one of rank at all, but of disability. Under our present law there is no rate between $30 and $72, so that unless a man can show himself entitled to $72 a month, he can not receive more than $30. We propose to allow this man $50 a month, which we are thoroughly satisfied he is entitled to according to his disability.

Mr. KILGORE. The report, so far as read, did not indicate any disability.

Mr. MORRILL. I am aware of that, but as the report is long it was not all read.

The SPEAKER *pro tempore*. The report shows that this man is now receiving a pension of $24 a month.

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

BENJAMIN F. BROWN.

The next Senate bill was the bill (S. 2574) granting a pension to Benjamin F. Brown

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 Benjamin F. Brown, late second lieutenant of the First New Hampshire Volunteers, at the rate of $30 per mon h.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2574) granting a pension to Benjamin F. Brown, submits the following report as adopted by the Senate:

"Benjamin F. Brown was a second lieutenant of the First Regiment United States Sharpshooters, serving nearly two years in the late war. He is now an inmate of the Lunatic Hospital at Worcester, Mass., with no prospect of recovery, according to the statement of Dr. Park, the superintendent of that institution. There is appended a copy of a report made to Mrs. Brown of her husband's condition in December last. The lady is blind and has been so for several years. Their property is gone and the case appeals strongly for favorable action.

"A copy of the soldier's service is attached hereto, which shows the excellent record which he made and also that he was discharged because of disability. The claim was rejected by the Pension Office on the ground of insufficient testimony as to continuance of disease since discharge. General Berdan, who commanded the regiment in which Mr. Brown served, bears testimony to the soldier's excellent character, to his illness while in the service, and to the probability of the incurrence of sun-stroke while in the line of duty.

"In view of the strong testimony filed in this case before the Pension Office and of the recommendation of the board of surgeons of that office by whom the claimant was examined, your committee report the bill favorably.

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"THE WORCESTER LUNATIC ASYLUM,
"*Worcester, Mass., December* 10, 1889.

"DEAR MADAM: Mr. B. F. Brown is suffering from paralysis. He walks about with great difficulty and his speech is so much affected that it is almost impossible to understand him when he talks. He is delusional and at times considerably excited. He was committed to this hospital from Newton, October 31, 1887, then said to be twelve years insane.

"Very respectfully,

"T. G. PARK, *Superintendent.*

"MRS. B. F. BROWN,
"*Newton Highlands, Mass.*

—

"NEWTON HIGHLANDS, MASS., *December* 9, 1889.

"*To whom it may concern:*

"This will certify that Mrs. B. F. Brown is a resident of this parish and known by myself and all her neighbors to be blind, an affliction of several years' standing.

"GEO. G. PHIPPS,
"*Pastor of Congregational Church.*"

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

ALBERT P. DAVIS.

The next Senate bill was the bill (S. 3159) granting an increase of pension to Albert P. Davis.

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 Albert P. Davis, late a private in Company K, Ninth Regiment of New Hampshire Volunteers, at the rate of $30 per month, in lieu of the pension he now receives.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3159) granting an increase of pension to Albert P. Davis, submit the following report as adopted by the Senate:

Your committee report this bill favorably and recommend its passage in view of the claimant's affidavit and the medical testimony hereto attached. Dr. Gallinger was a Representative from the Second New Hampshire district in the Forty-ninth and Fiftieth Congresses, and a member of the House Committee on Invalid Pensions during that period; Dr. Morrill is one of the most prominent physicians in the State.

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OFFICE OF J. H. GALLINGER, M. D.,
*Concord, N. H., March* 13, 1890.

This may certify that I have this day made a careful physical examination of Albert P. Davis, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and find his condition to be as follows:

(1) His left hand is practically useless from a wound received in the United States Army, and for which he is pensioned.

(2) In consequence of an injury received in a railroad accident in April, 1879, the right arm is almost entirely useless, anchylosis of the elbow joint existing and much other deformity having resulted.

(3) There are evidences of chronic malarial trouble, which confirm soldier's statement that he has suffered from chills and fever ever since his army service.

In short, soldier is a total physical wreck, and in my opinion is equitably entitled to a pension at the rate of $30 per month.

J. H. GALLINGER, M. D.

CONCORD, N. H., *March* 11, 1890.

Albert P. Davis first consulted me ten years ago for symptoms of chronic malaria. I have visited him and prescribed for him occasionally since that date for the same disease.

I am now treating him for an acute attack of malaria, with headache, nausea, vomiting, high fever, following a severe chill, then sweating and moderate icteries. Yesterday afternoon and to-day he was able to come to my office for advice.

Mr. Davis is a man of great pluck and energy, otherwise he would long ago have been helpless. The functions of the liver are imperfectly performed at all times, and occasionally they seem to be almost entirely suspended. Moreover, the general and habitual malaise resulting from the malnutrition which almost invariably attends chronic malaria is another cause of constant weakness and debility in this case.

S. C. MORRILL, M. D.

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

MARGARET FLAHERTY.

The next Senate bill was the bill (S. 2575) granting a pension to Margaret Flaherty.

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 Margaret Flaherty, mother of Bartlett Flaherty, late a private in Company F, Thirty-first Maine Volunteers, at the rate of $12 per month, in lieu of the pension she now receives.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2575) granting a pension to Margaret Flaherty, submit the following report as adopted by the Senate:

"The claimant is now on the pension-rolls by special act at $8 per month. The rate being named in the special act prevents an increase under the general law to $12, the rate at which dependent mothers are now pensioned. This is the only case of a dependent mother pensioned at the lower sum now on the rolls of the Concord (N. H.) agency.

"Your committee therefore recommend the passage of the bill as an act of justice to the claimant, who is an old lady deserving and poor."

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

HARRIET B. HAMILTON.

The next Senate bill (on the Private Calendar) was the bill (S. 3234) granting a pension to Harriet B. Hamilton.

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 Harriet B. Hamilton, step-mother of William L. Hamilton, late a private in Company D, Fourteenth Regiment of New Hampshire Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3234) granting a pension to Harriet B. Hamilton, submit the following report, as adopted by the Senate:

"The Committee on Pensions, to whom was referred the bill granting a pension to Harriet B. Hamilton, have examined the same and report:

"Mrs. Hamilton was the step-mother of the soldier. The soldier's father, Alfred Hamilton, drew pension as dependent parent from time of soldier's death in 1866 to his own death in 1888. Mrs. Hamilton married Alfred Hamilton in 1844, and had charge of the soldier during his youth, being in fact the only mother he knew. Precedents for the desired action are numerous. The bill is reported with a favorable recommendation."

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

MARTHA N. HUDSON.

The next business on the Private Calendar was the bill (S. 3431) granting a pension to Martha N. Hudson.

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 Martha N. Hudson, widow of Lieut. Col. James Hudson, of the Eighth Massachusetts Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3431) granting a pension to Martha N. Hudson, submit the following report as adopted by the Senate, with an amendment, inserting between the words "pension laws," in line 5, and the word "the," in line 6, the words "at the rate of $8 per month."

[Senate Report No. 1504, Fifty-first Congress, first session.]

Martha N. Hudson is the widow of Lieut. Col. James Hudson, of the Eighth Massachusetts Volunteers. Colonel Hudson died in 1869. In 1870 Mrs. Hudson married again, one Joseph Chipman, by whom she was deserted in 1874, and from whom she obtained a decree of divorce in 1881. Chipman died in 1882. By this second marriage she forfeited her right to pension under the general law. She has supported herself by her own labor since her husband's desertion, sixteen years ago, but now finds herself unable longer to do so, owing to increasing weakness and age.

Mrs. Hudson's petition, certificates showing each of her marriages, her divorce from Chipman, and the death of each husband, are hereto attached.

She is now about sixty years of age, dependent for support upon others, especially her brother, who is not able to assume the extra responsibility in addition to that imposed by his own family.

In view of these facts and Colonel Hudson's meritorious services, your committee report the bill favorably and recommend its passage.

STATE OF MASSACHUSETTS, *County of Suffolk, ss:*

I, Martha N. Hudson, of Charlestown, in said county, under oath depose and say I was married to James Hudson, jr., at Lynn, Mass., in January, 1854. He was captain of Company F, Eighth Regiment Massachusetts Volunteers. He answered to the first call for troops in 1861 and served as captain of said company for three months. He was stationed at Annapolis and at the Relay House, Md.; also at Washington, D. C. In November, 1862, he was appointed lieutenant-colonel of the same regiment and with his command served nine months. He was stationed at New Berne, N. C. Upon his arrival home in July, 1863, he was sick with malarial fever and chills, and for several weeks kept his room and bed. He was sick a great deal of the time after he left the service in 1863 until his death in April, 1869. In 1870 I married Joseph Chipman, of Beverly, Mass., who served in Captain Porter's company, unattached infantry, in July, 1864, for one hundred days. I obtained a divorce from him for non-support in 1878. He was run over and killed by the cars at Beverly, Mass., in 1882.

Ever since the death of Colonel Hudson I have supported myself by manual labor, though at times wholly unable, owing to the feeble condition of my health. I am now wholly dependent upon charity, as my health is so poor I am unable to earn anything, to be relieved from which I shall ever pray and ask your honorable body to afford me that relief. Colonel Hudson's health was so impaired while in the service of the United States that he was unable to properly attend to his business up to his death. He left but a little property for my support, which was all used up in two years. I am fifty-eight years old, was born in Salem, Mass., Essex County. My maiden name was Martha N. Kenney.

MARTHA N. HUDSON.

BOSTON, *March* 19, 1890.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

Then personally appeared the above-named Martha N. Hudson, to me personally known, and made oath to the truth of all the statements in the foregoing affidavit, including the eight interlined words on this page.

Before me.

ABNER C. GOODELL, JR.,
*Justice of the Peace for Essex County,*
*Duly authorized to administer oaths in said county of Suffolk.*

COMMONWEALTH OF MASSACHUSETTS,
SECRETARY'S DEPARTMENT, *Boston, March* 19, 1890.

I hereby certify that at the date of the attestation hereto annexed, Abner C. Goodell, jr., was a justice of the peace for the said Commonwealth, duly commissioned and constituted; that to his acts and attestations, as such, full faith and credit are and ought to be given, in and out of court; that I believe his signature to be genuine; and that said justice of the peace is by law authorized to take depositions, administer oaths, and take acknowledgments of deeds and other instruments throughout the Commonwealth.

In testimony of which I have hereunto affixed the seal of the Commonwealth the date first above written.

[SEAL.] HENRY B. PIERCE,
*Secretary of the Commonwealth.*

COMMONWEALTH OF MASSACHUSETTS,
*City of Lynn, March* 5, 1890.

I, Chas. E. Parsons, hereby certify that it appears by the record of marriages in said Lynn that a marriage was solemnized in said Lynn between James Hudson, jr., and Martha N. Kenney, on the 11th day of January, in the year 1854.

The record is in the following words and figures to wit: Date of marriage, January 11, 1854; name and surname of groom, James Hudson, jr.; name and surname of bride, Martha N. Kenney; by whom married, E. Winchester Reynolds, clergyman.

I, Chas. E. Parsons, above named, depose and say that I hold the office of city clerk of the city of Lynn, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said city are in my custody, and that the above is a true extract from the records of marriages in said city, as certified by me.

Witness my hand and the seal of the said city of Lynn, on the day and year first above written.

[SEAL.] CHAS. E. PARSONS, *City Clerk.*

NOTE.—By a decision of the Commissioner of Pensions, December 6, 1864, these certificates need not be sworn to. The seal of a city is sufficient, without further attestation.

COMMONWEALTH OF MASSACHUSETTS,
*City of Lynn, March* 5, 1890.

I, Charles E. Parsons, hereby certify that it appears by the record of deaths in said Lynn, James Hudson, jr., died in said Lynn on the 8th day of April, in the year 1869.

The record is in the following words and figures, to wit: Date of death, April 8, 1869; name and surname of deceased, James Hudson, jr.; name and surname of father Isaac O. Hudson; name and surname of mother, Louisiana Hudson; by whom registered, Benj. H. Jones, city clerk.

I, Charles E. Parsons, above named, depose and say that I hold the office of city clerk of the city of Lynn, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said city are in my custody, and that the above is a true extract from the records of deaths in said city, as certified by me.

Witness my hand and the seal of the city of Lynn on the day and year first above written.

[SEAL.] CHAS. E. PARSONS, *City Clerk.*

COMMONWEALTH OF MASSACHUSETTS,
*Town of Beverly, March* 5, 1890.

I, William H. Lovett, hereby certify that it appears by the record of marriages in said Beverly that a marriage was solemnized in said Beverly between Joseph Chipman and Martha A. Hudson, m. n. Kenney, on the 12th day of June, in the year 1870.

The record is in the following words and figures, to wit: Date of marriage, June 12, 1870; name and surname of groom, Joseph Chipman; name and surname of bride, Martha A. Hudson, m. n. Kenney; by whom married, G. W. Whitney, pastor Universalist church.

I, William H. Lovett, above named, depose and say that I hold the office of town clerk of the town of Beverly, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said town are in my custody, and that the above is a true extract from the records of marriages in said town, as certified by me.

WILLIAM H. LOVETT, *Town Clerk.*

MARCH 5, 1890.

ESSEX, *ss:*

Subscribed and sworn to before me this day; and I certify that I am not interested herein.

JOHN M. MURNEY, *Justice of the Peace.*

COMMONWEALTH OF MASSACHUSETTS, *Essex, ss:*

At the supreme judicial court begun and holden at Salem, within and for the county of Essex, on the first Tuesday of November, in the year of our Lord 1881.

Martha N. Chipman, of Salem, in the county of Essex, shows that she is the wife of Joseph Chipman, now resident at Beverly, in said county, and that she was lawfully married to said Joseph on the 11th day of June, A. D. 1870, at said Beverly, and that she and her said husband lived together as husband and wife at said Beverly, and at Lynn, in said county, until the month of April, A. D. 1874, at which time said Joseph utterly and willfully deserted the libellant, without cause and against her will, and has continued such desertion ever since and until this date, being more than three consecutive years; and she also shows that during said time since April, 1874, and before that date, said Joseph, being of sufficient ability, has wantonly and cruelly neglected and refused to furnish the libellant with sufficient or any maintenance.

Wherefore the libellant prays for a divorce from the bonds of matrimony between her and her said husband, and that said Joseph may be decreed to pay her sufficient and suitable alimony, as well pending this suit as subsequently, for her comfortable support, and that the goods and estate of said Joseph may be attached to the amount and value of $5,000, as security for the payment of such alimony and the enforcement of such other decrees as may be made in the premises.

This libel was entered at April term, 1878, when it appeared to the court that all proceedings required by law had been had upon the same. And the said Joseph Chipman, although solemnly called to come into court and show cause why the prayer of said libellant should not be granted, did not appear, but made default. And the evidence adduced in support of said libel having been heard and understood, the court were of the opinion that the material facts therein alleged were satisfactorily proved.

It was therefore considered and decreed *nisi*, by the court, that the bonds of matrimony theretofore entered into between the said Martha N. Chipman and the said Joseph Chipman, for the desertion of the said Joseph, be dissolved; the decree to be made absolute, on motion, after the expiration of six months from the first publication thereof, upon compliance with the terms thereof, unless sufficient cause to the contrary should appear.

And now the said period of six months having expired, and it being made to appear that the said libellant has complied with the terms of said decree, and no cause to the contrary appearing, it is considered by the court here that the decree aforesaid be made absolute; of which all persons interested are to take notice and govern themselves accordingly.

The foregoing is a true copy of record.

In testimony whereof I hereunto set my hand and affix the seal of said court on this 15th day of March, A. D. 1890.

Attest:

[SEAL.] EZRA L. WOODBURY, *Assistant Clerk.*

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COMMONWEALTH OF MASSACHUSETTS.
*Town of Beverly, March 5,* 1890.

I, William H. Lovett, hereby certify that it appears by the record of deaths in said Beverly that Joseph Chipman died in said Beverly on the 11th day of October, in the year 1882.

The record is in the following words and figures, to wit: Date of death, October 11, 1882; name and surname of deceased, Joseph Chipman; name and surname of father, John H. Chipman; name and surname of mother, Elizabeth Chipman (Hill); by whom registered, William H. Lovett, town clerk.

I, William H. Lovett, above named, depose and say that I hold the office of town clerk of the town of Beverly, in the county of Essex and Commonwealth of Massachusetts; that the records of births, marriages, and deaths in said town are in my custody, and that the above is a true extract from the records of deaths in said town as certified by me.

WILLIAM H. LOVETT, *Town Clerk.*

MARCH 5, 1890.

ESSEX, *ss:*

Subscribed and sworn to before me this day; and I certify that I am not interested herein.

JOHN M. MURNEY, *Justice of the Peace.*

The amendment reported by the committee was read, and agreed to.

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

SALINA B. MERRICK.

The next Senate bill was the bill (S. 3543) granting a pension to Salina B. Merrick.

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 Salina B. Merrick, widow of Arthur L. Merrick, late a private in Company K, Fifteenth Regiment of New Hampshire Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3543) granting a pension to Salina B. Merrick, submit the following report as adopted by the Senate:

"Arthur L. Merrick was the color-sergeant of the Fifteenth Regiment of New Hampshire Volunteers. He received a gunshot wound of the right thigh at Port Hudson in 1863, from which he suffered severely until his death in 1888, and for which he was pensioned at the rate of $16 per month at the time of his death. The bullet was never extracted.

"All the reports of examinations of him by the examining board of surgeons indicate clearly that there resulted from the soldier's wound great suffering, lack of exercise, necessary use of opiates to obtain relief from pain, and a weakening of the system as a natural outcome of the foregoing. In the record of his death filed by the attending physician, the immediate cause is stated as heart-failure, the predisposing cause as his army disabilities. The Bureau of Pensions declines to accept the connection thus indicated between these causes, although the claim receives the approval of the legal reviewer.

"The attending physician, whose reputation and ability are attested, assigns the soldier's army disabilities as a predisposing cause, and two other reputable physicians make affidavit to treating soldier for valvular disease of the heart, which they considered a legitimate result of his army wounds. In view of this medical testimony, the soldier's honorable record, the widow's need, your committee report the bill favorably and recommend its passage."

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

WILLIAM NORWOOD.

The next Senate bill on the Private Calendar was the bill (S. 4046) granting a pension to William Norwood.

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 pensions laws, the name of William Norwood, late seaman United States Navy.

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

MALINDA COLLINS.

The next Senate bill on the Private Calendar was the bill (S. 435) granting a pension to Malinda Collins.

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 provisions and limitations of the pension laws, the name of Malinda Collins, widow of James L. Collins, a private in Company A, Sixth Regiment Provisional Enrolled Missouri Militia, and Company H, Seventy-fourth Regiment Enrolled Missouri Militia.

Mr. KILGORE. Unless we can have some explanation of this case, I would like to hear the report.

Mr. MORRILL. I think I can save time by stating the facts of the case. This man, who was a member of the Missouri Enrolled Militia, was taken prisoner and paroled. Instead of obeying his parol, he returned to his command. He was again taken prisoner and was shot. This bill is to pension his widow.

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

THOMAS H. WILKERSON.

The next Senate bill was the bill (S. 1040) granting a pension to Thomas H. Wilkerson.

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 Thomas H. Wilkerson, a private in the company of Capt. John W. Biven's company of Arkansas Home Guards, attached to the First Regiment of Arkansas Cavalry.

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

GEORGIANA W. VOGDES.

The next Senate bill was the bill (S. 3532) granting a pension to Georgiana W. Vogdes.

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 Georgiana W. Vogdes, widow of Israel Vogdes, late colonel and brevet brigadier-general, United States Army, and pay her a pension at the rate of $100 per month.

Mr. KILGORE. Let the report be read.

Mr. CRAIG. I will state to the gentleman that this is a particularly lengthy report, and I think I can state the facts in brief form so that the gentleman will be satisfied that the bill ought to pass. In the first place we have amended the bill so as to provide for a pension of $50 per month.

Mr. KILGORE. I am not having the report read for my benefit, but for the benefit of the House.

Mr. CRAIG. But the report recommends this amendment, and I supposed that the gentleman's objection was to the amount carried by the bill.

Mr. KILGORE. Did this man serve in the Army?

Mr. CRAIG. He served in the Army from 1833 to 1881.

Mr. KILGORE. All right.

The amendment was adopted.

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

J. SEATON KELSO.

The next Senate bill was the bill (S. 3760) granting a pension to J. Seaton Kelso.

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 J. Seaton Kelso, late assistant surgeon Second Wisconsin Cavalry.

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

JOHN M. DUNN.

The next Senate bill was the bill (S. 4370) granting a pension to John M. Dunn.

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 John M. Dunn, late first lieutenant of Company E, First Regiment Delaware Volunteers, and subsequently first lieutenant of Company C, Seventh Delaware Volunteers, and pay him a pension at the rate of $72 per month, in lieu of the rate of $4 per month which he is now receiving.

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

The SPEAKER *pro tempore*. The Chair is informed that the report is still in the hands of the Printer.

Mr. DALZELL. I will state to the gentleman from Texas that this bill passed the Senate giving a pension of $72 a month. As pro-

posed to be amended by the House committee it gives but $50. The report of the Senate committee, however, is adopted. And I want to say to the gentleman that this report reads like a romance.

Mr. KILGORE. That is the reason I would like to have it read. [Laughter.]

Mr. DALZELL. No braver soldier ever drew a sword. I can furnish the gentleman with a copy of the report if he desires to examine it.

I am told by gentlemen who have examined the evidence that this man is in a condition where under existing law he would be entitled to $72 a month in a short time.

Mr. KILGORE. The House committee recommend $50, I understand?

Mr. DALZELL. Yes, sir; the committee recommend a reduction from $72 to $50.

Mr. BELKNAP. The amendment is stated in the report.

Mr. KILGORE. All right.

The amendment recommended by the committee was adopted.

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

EMILY F. WARREN.

The next Senate bill was the bill (S. 1812) granting an increase of pension to Emily F. Warren.

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 Emily F. Warren, widow of G. K. Warren, late a major-general in the United States Army, and pay her a pension at the rate of $100 per month, subject to the provisions and limitations of the pension laws.

Mr. KILGORE. Let the report be read.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1812) granting an increase of pension to Emily F. Warren, submit the following report:

The committee find the facts fully set forth in the Senate report accompanying said bill, which is annexed hereto and made a part of this report.

Concurring in said report your committee recommend the passage of said bill.

[Senate Report No. 231, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting an increase of pension to Emily F. Warren, widow of Maj. Gen. G. K. Warren, have examined the same and report:

The appended report, made by your committee in the last Congress, is adopted and the bill reported with a favorable recommendation.

REPORT.

Mrs. Warren is now becoming old, in weakened health, with a very limited and uncertain income, so that her present pension does not afford the comforts of life. Beyond this she has little that she can depend upon, and besides herself has necessary expenditures for two of her children. Her personal labor has become unavoidable in obtaining a livelihood.

In several familiar cases pensions to the amount provided in this bill have been granted to the widows of officers whose record of service, however distinguished, could not and did not surpass that of General Warren.

It is an act of justice merely to the memory of this gallant and devoted officer, whose remarkable record is hereto appended, to provide for the comfort of her who is the widow of one of the purest patriots who ever served in the American Army.

[General Orders, No. 5.]

HEADQUARTERS CORPS OF ENGINEERS, U. S. ARMY,
*Washington, D. C., August* 9, 1882.

It has become the painful duty of the brigadier-general commanding to announce to the Corps of Engineers the death of a brother officer, Lieut. Col. Gouverneur K. Warren, brevet major-general, U. S. Army, who died at Newport, R. I., yesterday.

General Warren was graduated from the Military Academy and promoted to the rank of brevet second lieutenant in the Corps of Topographical Engineers, July 1, 1850. He served as assistant engineer on the Topographical and Hydrographical Survey of the Delta of the Mississippi, 1850–'52, and to the board for the improvement of canal around the Falls of the Ohio, 1852–'53; in charge of surveys for the improvement of Rock Island and Des Moines Rapids, Mississippi River, 1853–'54; in compiling the general map and reports (conjointly with Captain, now General, A. A. Humphreys) of Pacific Railroad explorations, 1854; as chief topographical engineer on Sioux expedition, 1855, being engaged in the action of Blue Water, September 3, 1855; in charge of reconnaissances in Dakota Territory and making map and report of same, 1855–'56; and in Nebraska Territory, 1856–'57, and preparing maps and reports thereof, 1857–'59.

He was assistant professor of mathematics at the Military Academy, 1859, and principal assistant professor, 1859–'61.

He entered upon his distinguished service in the late civil war (1861–'66) in the Department of Virginia as lieutenant-colonel of the Fifth New York Volunteers, being engaged in the action at Big Bethel Church, June 10, 1861. He was engaged on the defenses of Baltimore, and constructing fort on Federal Hill, 1861–'62, being temporarily detached on expedition to Northampton and Accomack Counties, Virginia, 1861; in the Virginia peninsular campaign (Army of the Potomac), 1862, being engaged in the siege of Yorktown, April 11–May 4, 1862, and in command of brigade, May 24, 1862; skirmish on Pamunkey River, May 26, 1862; capture of Hanover Court-House, May 27, 1862; battle of Gaines's Mill, June 27, 1862, where he was wounded; repulse of Wise's division at Malvern Hill (in command), June 29, 1862; battle of Malvern Hill, July 1, 1862, and skirmish at Harrison's Landing, July 2, 1862.

In the Northern Virginia campaign, 1862, he was engaged in the battle of Manassas, August 30, 1862, and the skirmish near Centreville, September 1, 1862. He was in command of brigade (army of the Potomac) in the Maryland campaign, 1862, being engaged in skirmishes and battle of Antietam, September 15–17, 1862; skirmish with the enemy's rear guard on the Potomac September 19, 1862; and marched to Falmouth, Va., 1862. In the Rappahannock campaign, 1862–'63, he was in command of brigade till February 4, 1863. He then became chief topographical engineer of the Army of the Potomac, and was engaged in the battle of Fredericksburgh, December 13–16, 1863; making reconnaissances, 1862–'63; action on Orange Pike, May 1, 1863; storming of Marye Heights, May 3, 1863, and battle of Salem, May 3–4, 1863, and as chief engineer of the Army of the Potomac, June 8 to August 12, 1863.

In the Pennsylvania campaign he was engaged in charge of the re-embarkation of stores at Acquia Creek, 1863; reconnaissance and battle of Gettysburgh, July 1–3, 1863, where he was wounded; and construction of bridges, and making reconnaissances while pursuing the enemy, July–August, 1863.

He was in command of Second Corps (army of the Potomac) from August 12, 1863, to March 24, 1864.

In the operations in Central Virginia he was engaged in movement to Culpeper and the Rapidan, September 13–16, 1863; combat at Auburn and Bristoe Station (in command), October 14, 1863; skirmish at Bull Run, October 15, 1863, and at Kelly's Ford, November 8, 1863; movement at Mine Run, with heavy skirmishing, November 26–30, 1863, and demonstration upon the enemy across Morton's Ford, February 6, 1864.

He was in command of Fifth Corps (army of the Potomac) from March 24, 1864, to April 1, 1865.

In the Richmond campaign he was engaged in the battle of the Wilderness, May 5–6, 1864; battles about Spottsylvania, May 8–20 1864; battles of North Anna, May 23–25, 1864; skirmish on Tolopotomy Creek, May 29, 1864; battle of Bethesda Church, May 30, 1864; battles of Cold Harbor, June 1–4, 1864; skirmish on White Oak Swamp, June 13, 1864; assaults on Petersburgh, June 17–18, 1864; siege of Petersburgh, June 18, 1864–April 2, 1865; Petersburgh mine assault, July 30, 1864; actions for the occupation of the Weldon Railroad, August 18–25, 1864; combat of Peebles's farm, September 30, 1864; action at Chapel House, October 1, 1864; skirmishes near Hatcher's Run, October 27–28, 1864; destruction of Weldon Railroad to Meherrin River, December 7–10, 1864; combat near Dabney's mill (in command), February 6–7, 1865; actions and movement to White Oak Ridge, March 29–31, 1865; battle of Five Forks, April 1, 1865.

He was in command of the defenses of Petersburgh and Southside Railroad, April 3 to May 1, 1865; in command of the Department of Mississippi, May 14–30, 1865; and was at New York City preparing maps and reports of his campaigns, June 20, 1865, to July 31, 1866.

General Warren was promoted successively from the grade of lieutenant to that of lieutenant-colonel, Corps of Engineers, and major-general, United States Volunteers. He received the brevets of lieutenant-colonel, United States Army, "for gallant and meritorious services at the battle of Gaines's Mill," Va., 1862; colonel, United States Army, "for gallant and meritorious services at the battle of Gettysburgh," Pa., 1863; brigadier-general, United States Army, "for gallant and meritorious services at the battle of Bristoe Station," 1865, and major general United States Army, "for gallant and meritorious services in the field during the rebellion," 1865.

Since the close of the war he has been superintending engineer of surveys and improvements of the Upper Mississippi and its tributaries, 1866–1870; of survey of the battle-field of Gettysburgh, Pa., 1868–'69; and survey of the battle-field of Manassas, 1878; of Rock Island Bridge across the Mississippi, 1870; of the fortification of New London and New Haven, Conn., 1870–1874; of the improvement of certain rivers and harbors on Long Island, 1870–1874; of construction of Block Island Breakwater, R. I., 1870–1882.

He was a member of commission to examine Union Pacific Railroad and telegraphic lines, 1868–'69, and member of many important boards of officers of the Corps of Engineers organized for the consideration of the plans and the execution of the works of the corps, among which were the board on improvement of the Des Moines Rapids 1867; board on bridge across Niagara River, at Buffalo, N. Y., 1870–'71; on bridging the Ohio River, 1870–'71, and 1878–1882; on plan for docks constructed for breakwater at Chicago Harbor, Ill., 1871; on the completion of Cincinnati and Newport Bridge over the Ohio, 1871; on the harbors of St. Louis, Mo., and Alton, Ill., and banks of the Mississippi, 1872; on bridging the channel between Lake Huron and Lake Erie, 1873; on ship-canal from the Mississippi to the Gulf of Mexico, 1873–'74; to examine the St. Louis bridge across the Mississippi, 1873; on the reclamation of the alluvial basin of the Mississippi, 1874–'75; on Mississippi bridges between St. Paul, Minn., and St. Louis, Mo., 1876; and on the improvement of the Mississippi River, from the Falls of St. Anthony to Rock Island Rapids, 1878. He was engaged in the survey of the battle-field of Groveton, Va., and in the preparation of campaign maps of certain operations in 1862–'63 of the Army of the Potomac in Virginia.

He was appointed a member of the advisory council of the harbor commissioners of the State of Rhode Island, 1878.

In 1870 General Warren was assigned to the charge of the surveys and improvements of various rivers and harbors in Southeastern Massachusetts and in Rhode Island and Connecticut, on which duty and in the supervision of the construction and repair of the fortifications of New Bedford, Mass., of Narragansett Bay, and of Newport, R. I., he remained until the time of his death.

In scientific investigations General Warren had few superiors, and his elaborate reports on some of the most important works which have been confided to the Corps of Engineers are among the most valuable contributions to its literature.

In the field, in the late civil war, he was a brave and energetic officer, and in the high command to which he attained by his patriotic valor and skill he merited the admiration of the Army and the applause of his country.

He was kind and considerate in all the relations of life, and his family in its affliction will have the hearty sympathy of the Corps of Engineers.

As a testimonial of respect for the deceased, the officers of the corps will wear the usual badge of mourning for thirty days.

By command of Brigadier-General Wright.

GEORGE H. ELLIOT.
*Major of Engineers.*

Mr. KILGORE. Mr. Speaker, it has not been the practice of the House to pass bills carrying so large a sum at these Friday evening sessions, and if the House insist on it now it will be a departure from the practice heretofore. It has always been the rule to carry them over to a full House. There is no difficulty about it——

Mr. CUTCHEON. I want to suggest to my friend from Texas that we are getting pretty near the end of the session now; and it would be unfortunate to pass any of these bills over to a full House; because conference reports and other matters will probably intervene to prevent their consideration. Besides, I think you never knew the House to reject one of these cases.

Mr. KILGORE. No, sir.

Mr. CUTCHEON. And undoubtedly the time of the House will be well taken up by other matters.

Everybody knows General G. K. Warren, commander of the old Fifth Army Corps, one of the most distinguished officers of the Army, one of the very bravest of the brave.

Mr. KILGORE. I know that; I came in contact with him a time or two myself. [Laughter.]

But I understand the gentleman to say there will probably be no other Friday evening sessions during this session of Congress——

Mr. CUMMINGS. I hope in view of that fact the gentleman will not object to this bill.

Mr. KILGORE. I have never consented to the passage of any bill of this character on a Friday night session. If I consent to-night I want it understood that it will not be pleaded on me hereafter or that I will be estopped from making objection in the future.

The SPEAKER *pro tempore*. The Chair will suggest that it will not be quoted as a precedent against the gentleman. [Laughter.]

Mr. KILGORE. I hope not, because under all of the circumstances connected with this case I am willing that it shall go through to-night.

The SPEAKER *pro tempore*. If there be no objection, the bill will be ordered to a third reading.

Mr. CHEADLE. I do not think that bill should be passed. There ought to be some place where we will stop. This is not a good case to stop on, because the husband of this widow was a most distinguished soldier. But I want to say that it is absolutely wrong, this whole principle of granting such pensions, for the representatives of the people to give to the widow of one man eight times the amount we give to the widow of another. There can be no justification for it.

I am told that the other day a pension of $2,000 a year was voted to a person who is worth $250,000. That is one special case, and we can all remember the other evening that we pensioned a widow at $12 per month who had four sons shot to death in the late war, while she herself had been in the poor asylum for twelve years. Now, if the pension of $30 is not enough to give to the widow of an officer, then increase the amount given by the general law, and stop this special pension legislation, because there can be nothing more inimical to the best interests of the people and that sets a worse class precedent to go down to the future than the precedent based on these special bills giving these large sums to favored classes and confining others to the limited amount fixed by the pension laws.

This is the very worst form of class legislation; and I but repeat the sentiment of every wage-worker in the country when I enter my protest against it. The men who dig the money out of the ground, who earn it by their labor out of the earth; the farmers of the country and the workingmen of the country everywhere, are all opposed to it, and on behalf of myself and the people I have the honor to represent directly, and all the other common people of the country, I enter my protest against the passage of this and all similar bills.

The SPEAKER *pro tempore*. If there be no objection, the bill will be ordered to a third reading.

There was no objection.

The bill was passed.

The SPEAKER *pro tempore*. In the absence of objection, House bill No. 5659, of the same title, will be laid upon the table. The Chair is informed by the Clerk that this completes the Senate bills. Without objection, the Chair will now recognize alternately gentlemen who are present.

Mr. NUTE. Mr. Chairman, it has been customary, I believe, at this point in the proceedings to take up bills on the Calendar. I have made a very careful examination of the Calendar to-day, and I find several cases which I have reported from the committee, only one from my own State, but on behalf of gentlemen from other States I wish to say that these bills were reported some four or five months ago, and they have been passed over. There are only seven of them, and only one of them calls for any stated sum. That is the case of an army nurse, and the amount is $12 per month. The others are simply to place the applicants on the pension-rolls subject to the limitations of the pension laws.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, there were about a dozen of us on the last pension evening who remained here until half past 10. Some of us remained faithfully through several similar sessions before, and yet we were not recognized.

Mr. NUTE. This is only the regular order I am calling for.

Mr. SAWYER. But there is not one of these men whose bills you have reported who takes enough interest in them to be here.

The SPEAKER *pro tempore*. The Clerk will report the first few bills on the Calendar.

Mr. JOSEPH D. TAYLOR. I object.

Mr. MORRILL. Your objection will not do any good, for this is the regular order. You can not object to the regular order.

Mr. JOSEPH D. TAYLOR. I will agree, Mr. Speaker, not to object, if the gentleman will limit himself to three bills. That will be two more than I have had passed this session.

Mr. NUTE. But this is the regular order.

Mr. MORRILL. Mr. Speaker, I move that the Committee of the Whole be discharged from the further consideration of the several bills now on the Calendar which are about to be reported by the Clerk.

The SPEAKER *pro tempore*. Without objection, it will be so ordered. Is there objection? [After a pause.] The Chair hears none.

### CHARLES S. BLOOD.

The first House bill on the Private Calendar was the bill (H. R. 7110) for the relief of Charles S. Blood.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to set aside the findings of the court-martial in the case of Charles S. Blood, late second lieutenant of Company A, Forty-seventh Regiment of Illinois Volunteer Infantry, and to grant him an honorable discharge.

SEC. 2. That said Charles S. Blood be allowed all pay and emoluments to which he would have been entitled had he received an honorable discharge on the date of the muster out of said company and regiment.

The committee recommend to strike out section 2 and add the following proviso to section 1:

*Provided*, That said Charles S. Blood shall be entitled to no pay or allowances by virtue of this act from the date of his dismissal to the date of the final muster out of his regiment.

The report (by Mr. OSBORNE) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7110) for the relief of Charles S. Blood, have had the same under consideration and submit the following report:

The facts in the case largely appear in the report of the Adjutant-General, submitted herewith and made a part of this report.

Charles S. Blood, the petitioner, had been a faithful soldier and officer for nearly two years, and about the 1st of July, 1863, was serving on detached duty away from his command, and at which time he was ordered to report back to his company. Hearing at the same time that his command had been ordered to St. Louis, Mo., he was about to rejoin them, when he got notice that his mother was severely ill at home, and he took occasion to pay her a brief visit before reporting to his command. While on his way back he found his captain, who persuaded him to remain with him a few days at St. Louis, as he (the captain) was severely wounded and needed his care. Owing to such absence without leave for a period of about four weeks, he was court-martialed and discharged from the service, although a large part of the time he had been caring for his captain's wound. Your committee believe that the penalty was disproportionate to the offense in view of the mitigating circumstances, and this is borne out by the fact that the Secretary of War made an attempt to set aside the findings of the court, after a careful review of all the facts.

Your committee recommend that the bill be amended by striking out the second section and adding to the first section the following words: "*Provided*, That said Charles S. Blood shall be entitled to no pay or allowances by virtue of this act from the date of his dismissal to the date of the final muster out of his regiment," and that the bill so amended do pass.

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CASE OF CHARLES S. BLOOD, LATE OF FORTY-SEVENTH ILLINOIS VOLUNTEERS.

RECORD AND PENSION DIVISION, *March* 12, 1890.

The records show that Charles S. Blood was mustered in as second lieutenant, Company A, Forty-seventh Illinois Volunteers, to date June 20, 1862, and was dismissed the service in orders of which the following is a copy:

[General Orders, No. 63.]

"HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
"*Vicksburg, Miss., October* 14, 1863.

* * * * * * *

"III. At a general court-martial which convened at headquarters Eleventh Regiment Missouri Infantry Volunteers (Camp Sherman, Miss.), on the 20th day of August, 1863, pursuant to Special Orders, No. 57, of date August 12, 1863, issued from headquarters Third Division, Fifteenth Army Corps, by Brigadier-General Buckland, and of which Maj. William Stubbs, Eighth Regiment Iowa Infantry Volunteers is president, was arraigned and tried: Second Lieut. Charles S. Blood, Company A, Forty-seventh Regiment Illinois Infantry Volunteers.

"CHARGE 1.—*Disobedience of orders.*

"*Specification* 1: In this, that he, Charles S. Blood, second lieutenant Company A, Forty-seventh Regiment Illinois Infantry Volunteers, did, on the 29th day of June, 1863, he being on duty at headquarters Third Division, Fifteenth Army Corps, receive a written order from Brigadier-General Tuttle, commanding said division, relieving him from duty at that place and ordering him, the said Blood, to report for duty to the officer commanding his company. That in disobedience of said order he, the said Charles S. Blood, did not so report or rejoin his company, which was at that time at Young's Point, La., but did remain absent from the command until the 10th day of August, 1863. This in the vicinity of Vicksburg, Miss., at the time above given.

"CHARGE 2.—*Absence without leave.*

"*Specification* 1: In this, that he, Charles S. Blood, second lieutenant of Company A, Forty-seventh Illinois Infantry, did absent himself, and remain absent from his company and regiment without authority, from the 29th day of June, 1863, to the 10th day of August, 1863. This in the vicinity of Vicksburg, Miss., at the time above given.

"CHARGE 3.—*Conduct prejudicial to good order and military discipline.*

"*Specification* 1: In this, that Charles S. Blood, second lieutenant, Company A, Forty-seventh Illinois Infantry Volunteers, did, on or about the 29th day of June, 1863, in defiance of Brigadier-General Tuttle's Special Order No. 36, of that date, to report to his company commander, absent himself without authority from his company, regiment, and the division, and go to the city of Peoria, Ill., and did not report to his command until on or about the 10th day of August, 1863. This in the vicinity of Vicksburg, Miss., at the time above given. To which charges and specifications the accused pleaded as follows: To the specification to first charge, guilty. To the first charge, guilty. To the specification to second charge, guilty. To the second charge, guilty. To the specification to third charge, guilty. To the third charge, guilty.

FINDINGS AND SENTENCE.

"The court having maturely considered the evidence adduced in this case find the accused, Second Lieut. Charles S. Blood, Company A, Forty-seventh Regiment Illinois Infantry Volunteers, as follows: Of the specification to the first charge, guilty. Of the first charge, guilty. Of the specification to the second charge, guilty. Of the second charge, guilty. Of the specification to the third charge, guilty. Of the third charge, guilty.

"And the court do therefore sentence him, the said Second Lieut. Charles S. Blood, Company A, Forty-seventh Regiment Illinois Volunteer Infantry, to be dismissed the service of the United States and to forfeit all pay and all allowance due him from the 2d day of July, 1863."

"HEADQUARTERS FIFTEENTH ARMY CORPS,
"*Camp on Black River, Miss., September* 1, 1863.

"The proceedings, findings, and sentence in this case are approved. No amount of good reputation will justify a desertion of duty such as this case exhibits. The officer should be dismissed.

"W. T. SHERMAN,
"*Major-General Commanding Fifteenth Army Corps.*

"Findings and sentence approved, and Second Lieut. Charles S. Blood, Company A, Forty-seventh Illinois Infantry Volunteers, accordingly ceases to be an officer of the United States.

"By order of Maj. Gen. U. S. Grant.

"T. S. BOWERS,
"*Assistant Adjutant-General.*"

On December 7, 1863, and January 28, 1864, petitions were forwarded to this Department, signed by a number of officers of his regiment, praying that Lieutenant Blood be reinstated.

These petitions were referred to the Judge-Advocate-General of the Army, for review, and were returned by that officer, under date of July 12, 1864, with the following report:

* * * * * * *

"The proof in the case is that the accused maintained an excellent character for good conduct and efficiency as an officer up to the commission of the offense for which he was tried."

"It is shown by the testimony that the accused, being on duty at the headquarters of Third Division, Fifteenth Army Corps, near Vicksburg, Miss., received, on the 29th of June, 1863 an order from Brigadier-General Tuttle, directing him to report for duty to the officer commanding his company, at Young's Point, La. It was also shown that for several days after receiving this order the accused was necessarily engaged in the performance of duties required of him by a previous order; and it appears from his own statement before the court that before he had completed the performance of these duties he received a letter from his father informing him that his mother was extremely ill, supposed to be at the point of death, and was most anxious to see him.

"The accused further states that he had been in the service over two years without visiting home, and that following the impulse produced by his father's letter, he at once started in fulfillment of what he believed to be the dying request of his mother, with the purpose of remaining at home not more than three days; but, learning on his arrival there of the fall of Vicksburg, he remained at home seventeen days.

"Seventeen officers of the First Division, Sixteenth Army Corps, petition the President to reinstate this officer to his former rank and position in the Army, because he has always borne an excellent reputation as a thorough and efficient officer, whether in camp, on marches, or in action, and with the exception of the offense for which he was dismissed he has as clear a record of duties faithfully discharged as any officer need have; that he remained more than six months with his regiment after his trial, always ready and anxious for duty.

"The president and judge-advocate of the court that tried the accused concur with the petitioners in the object of their prayer. These officers state that as no defense was made the court could not do otherwise than it did, but that in their opinion there existed, outside the record, 'at least a good partial defense, and that the accused was not guilty to the extent apparent on the record.'

"Brigadier-General Mower, to whom the case was submitted for information, states that while in his command Lieutenant Blood had, on all occasions, borne an excellent character. He was brave, worthy, and efficient, and was considered one of the best officers of the regiment.

"In view of the mitigating circumstances presented in his case, of his honorable record before trial, and his creditable conduct thereafter, it is believed that the disability imposed on this officer by the sentence of the court may properly be removed."

This report was referred to the Adjutant-General, with the following indorsement:

"WAR DEPARTMENT, *July* 18, 1864.

"Case of Charles S. Blood, late lieutenant, Company A, Forty-seventh Illinois Volunteers. Respectfully referred to the Adjutant-General.

"The recommendation of the Judge-Advocate-General approved. The necessary orders will be issued removing the disability in his case.

"By order of the Secretary of War.

"JAS. A. HARDIE,
"*Colonel and Inspector-General United States Army.*"

And thereupon on July 20, 1864, the commanding officer of the Forty-seventh Illinois Volunteers, and the governor of Illinois, were notified of the action of this Department in letters of which the following are copies:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, *July* 20, 1864.

"SIR: I am directed to inform you that the President has removed the disability resulting from the dismissal of C. S. Blood, formerly a lieutenant in your regiment, and the governor of Illinois has this day been notified of the fact.

"THOMAS M. VINCENT,
"*Assistant Adjutant-General.*

"COMMANDING OFFICER,
"*Forty-seventh Illinois Volunteers.*
"(Through headquarters Sixteenth Army Corps.)"

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"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, July* 20, 1864.

"SIR: By direction of the President of the United States the disability resulting from the dismissal of Charles S. Blood (formerly a second lieutenant in the Forty-seventh Regiment Illinois Volunteer Infantry), by sentence of general court-martial, as promulgated in General Orders, No. 63, Headquarters Department of the Tennessee, October 14, 1863, is hereby removed, and he may be recommissioned should your excellency so desire.

"Very respectfully, your obedient servant,

"THOMAS M. VINCENT,
"*Assistant Adjutant-General.*

"The GOVERNOR OF ILLINOIS,
"*Springfield, Ill.*"

Since which date the status of the case has not changed.

Respectfully submitted.

F. H. AINSWORTH,
*Captain and Assistant-Surgeon, U. S. Army.*

The SECRETARY OF WAR.

The amendment recommended by the committee was agreed to.

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

CHARLES DUERSON.

The next House bill on the Private Calendar was the bill (H. R. 5583) for the relief of Charles Duerson.

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 Charles Duerson.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5583) granting a pension to Charles Duerson, submit the following report:

Mr. Duerson was a resident of Winchester, Ky., which town was captured by the Confederate forces, and he being a Unionist went to Maysville, Ky., within Federal lines, where he remained several weeks and until the Federal forces started for Mt. Sterling, Ky., where General Humphrey Marshall and his Confederate forces were located, when about one hundred loyal citizens, Mr. Duerson being one of them, formed themselves into a company, and were furnished horses and arms and attached themselves to the Fourteenth Kentucky Cavalry, but were not then mustered into the United States service.

When within a few miles of Mt. Sterling, while the command was in ranks and on the march and in line of duty, a gun was accidentally discharged in the ranks and the whole load of buck and ball passed through Duerson's left leg, from which he was confined several weeks and by which he was disabled so long he did not rejoin the said regiment to be mustered. He was in discharge of military duty when wounded and was under arms in line of duty, and although his case is not covered by the pension laws, yet your committee find precedents for placing Mr. Duerson on the pension-rolls, and therefore report the bill back with the recommendation that it pass.

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

MARIA T. LEE.

The next business on the Private Calendar was the bill (H. R. 4238) pensioning Maria T. Lee.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria T. Lee, dependent mother of Wilbur P. Lee, late of Company F, One hundred and twenty-sixth Illinois Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4238) granting a pension to Maria T. Lee, submit the following report:

The basis of this claim is the service and death of claimant's son, Wilbur F. Lee, a private in Company F, One hundred and twenty-sixth Illinois Volunteers, who died in hospital at Helena, Ark., September 18, 1863, of typhoid fever, and the dependence of the mother.

Her claim was rejected on the ground that since the date of the filing of her claim she has not been dependent upon the soldier for her support, for, as shown by the evidence she and her husband in 1880 conveyed to their son, William H. Lee, a farm, in consideration of which their said son at that time entered into a contract to support claimant and her husband during their lifetime.

The evidence in the case shows that at the time of the soldier's enlistment his father was a superannuated preacher, about fifty-six years old, residing with claimant upon a farm near Hillsborough, Ill. With the assistance of the members of his family he carried on the farm. In 1864 claimant bought a farm near that place, and she, with her husband, removed to and lived upon their farm from that time to 1877, when they sold out in Illinois and removed to Sumner County, Kansas, where they bought a farm, costing $1,700, and conveyed the same to their son, William H. Lee, in consideration of which he entered into an agreement for the support of claimant and her husband during their natural lives.

The evidence shows that the son furnished a very limited and inadequate support of the parents, and since October, 1889, has failed entirely to support them, and they have lived upon small contributions and the benevolence of friends.

The husband is feeble and unable to do any kind of labor. The parents are very poor, in fact have no property of any kind, and are getting old.

In view of all the facts your committee recommend the passage of the bill.

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

W. B. CLOER.

The next business on the Private Calendar was the bill (H. R. 7107) granting a pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas militia.

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 W. B. Cloer, late private Company L, D. Storm's company Arkansas militia, on the pension-rolls, subject to the conditions and restrictions of the pension laws of the United States.

Mr. KILGORE. Mr. Speaker, I can not understand how a member of the Arkansas militia is entitled to be put on the pension-roll.

Mr. MORRILL. He was wounded, and we have just passed a bill for the widow of a man who was in the Missouri militia who was shot.

The SPEAKER *pro tempore*. The Chair will suggest that in many instances militia soldiers were called into the service of the United States and while so serving received injuries.

Mr. KILGORE. Let us have the report.

The report (by Mr. GOODNIGHT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7107) granting a pension to W. B. Cloer, submit the following report:

W. B. Cloer was a member of the Arkansas State militia, organized at Fayetteville, Ark., under orders of the United States military authority, January, 1864. While in the line of duty, under Capt. Leroy D. Stone, the pensioner was severely wounded in the head, left shoulder, and arm by gunshot fired by the enemy.

That his injury is permanent and in the left arm and shoulder almost total. That the soldier was treated for these wounds by a surgeon of the United States Army, H. J. Manard, at Fayetteville, Ark., from June till in the fall of 1864, when he was discharged from the service on account of these wounds and permanent disability therefrom. All of which appears by proof of captain and surgeon and disinterested evidence. That soldier is needy and disabled to large degree.

Your committee therefore think this a meritorious case and 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.

MATTHEW C. GRISWOLD.

The next business on the Private Calendar was the bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Matthew C. Griswold, late a first lieutenant of Company L, Twentieth New York Cavalry, to $30 per month, the same to be in lieu of the pension he is now receiving.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold, have considered the same and report:

The claimant is pensioned for disease of lungs, phlebitis, and disease of kid-

neys, at the rate of $17 per month. He was a first lieutenant in Company L, Twentieth New York Cavalry.

Doctors Leroy J. Brooks, H. H. Beecher, and George W. Avery, all prominent physicians at Norwich, N. Y., and a number of other prominent citizens of the same place, testify that his diseases have reached such a stage as to incapacitate him for the performance of any manual labor.

Both his legs are covered with patches and varicose veins which render him lame and unable to labor while standing, and he is severely disabled by chronic bronchitis.

He filed an application for increase in the Pension Bureau, but the same was rejected March 21, 1889, the examining surgeons not having fixed a higher rating than that at which he is now pensioned.

Accompanying the bill is the testimony of Dr. D. M. Lee, late an assistant surgeon Twenty-second New York Volunteer Cavalry, which shows that the claimant is a sufferer from phthisis pulmonalis and that tubercular deposits and pleuritric adhesions exist in a marked degree. The doctor testifies, further, that the claimant also suffers from valvular disease of the heart, which probably results from the disease of the lungs, and that the veins of his legs are extensively varicosed. These diseases, in the doctor's opinion, wholly and totally disable the claimant for the performance of any manual labor.

The testimony of Dr. Lee is corroborated in every respect by the testimony of Dr. Daniel J. Mosher and by an additional affidavit of Dr. Leroy J. Brooks.

It will be noted that opposed to the rating allowed by the examining surgeons is the testimony of five physicians, viz, Lee, Mosher, Brooks, Beecher, and Avery, all of whom know the claimant personally and are competent judges as to the extent of his disabilities. These physicians swear in positive terms that the claimant is so disabled as to be incapacitated for the performance of any manual labor.

In view of the facts set forth above, your committee are of the opinion that the increase of pension contemplated by this bill should be granted, and the bill is therefore reported back with the recommendation that it do pass.

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

NATHAN G. BROWN.

The next business on the Private Calendar was the bill (H. R. 8925) granting a pension to Nathan G. Brown.

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 of the United States the name of Nathan G. Brown, the dependent father of Edwin F. Brown, late a private in Company A in the Eighth New York Heavy Artillery, and to pay him a pension of $12 a month, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8925) granting a pension to Nathan G. Brown, submit the following report:

That the claimant is the father of Edwin F. Brown, late a private in Company A, Eighth New York Heavy Artillery.

The records of the Adjutant-General's Office show that the son was enrolled in said company July 21, 1862; that he was captured at Ream's Station August 25, 1864; taken to Richmond August 27, 1864; transferred to Salisbury, N. C., October 9, 1864, where he died January 3, 1865, leaving no widow or child.

The evidence filed with your committee shows that the claimant is now nearly seventy years of age, poor, depending upon his labor as a blacksmith for his support. He has made no application for a pension because of his inability to show dependence upon his son at the time of his death, he then being a boy sixteen years of age.

Your committee recommend that the bill do pass.

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

MARGARET CONSTABLE.

The next business on the Private Calendar was the bill (H. R. 5717) for the relief of Margaret Constable.

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 Margaret Constable, widow of Capt. David C. Constable, late of the revenue-marine service of the United States, who was wounded in action on the James River in 1862, at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. KILGORE. I think there ought to be some explanation of this. Let us have the report.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5717) granting a widow's pension to Margaret Constable, submit the following report:

The claimant is the widow of David C. Constable, who became a lieutenant in the United States revenue marine service in 1852, was commissioned a captain in 1862 by President, Lincoln "for gallantry in action," and who died at Ogdensburg, N. Y., September 29, 1888.

On May 15, 1862, he was in command of the United States revenue marine steamer A. E. Stevens (also known as the Naugatuck), which vessel was at that time co-operating with the Navy on the James River, Virginia, under Commander John Rodgers, United States Navy. Acting under orders from Commander Rodgers, Lieutenant Constable made an attack on the Confederate battery at Ward's Hill, near Richmond, Va., May 15, 1862, and during said engagement he received an injury from the bursting of a Parrott gun on his vessel, resulting in concussion of the brain, which injury permanently impaired his health and ultimately caused his death.

For gallantry in action in the above engagement he was, on May 29, 1862, personally presented by President Lincoln with a commission as captain, which is referred to in a letter of commendation from Secretary Chase of same date, and was given a year's leave of absence to recover his health, if possible, from the effects of said injury. The evidence shows that this officer was under treatment on account of this injury from the date of injury up to the time of his death.

The widow of Captain Constable now prays that Congress will grant her the relief which she would not be able to obtain through the Pension Office (no papers having been filed), owing to the fact that her late husband was an officer of the revenue-marine service and therefore not entitled to a pension under the general law.

The bill to be amended, however, by striking out the word "fifty" and inserting in the place thereof the word "thirty."

The amendment recommended by the committee was agreed to.

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

MARY ROBINSON.

The next business on the Private Calendar was the bill (H. R. 6048) granting a pension to Mary Robinson.

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 Mary Robinson, of South China, Me., widow of Timothy Robinson, late of Company G, of the Twenty-eighth Regiment of Maine Volunteers.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6048) granting a pension to Mary Robinson, submit the following report:

This is a widow's claim which was rejected by the Pension Department on the ground that the death of claimant's husband, Timothy Robinson, was not directly due to disease contracted in the service. It appears from the records that said Timothy Robinson enlisted in Company G, Twenty-eighth Maine Volunteers, September 10, 1862, and was mustered out August 3, 1863. Re-enlisted February 9, 1865, in Twelfth Maine and served until March 3, 1866, when he was mustered out with his company.

At the time of his death he was drawing a pension for "malarial poisoning and disease of kidneys, also affection of heart, result of malarial poisioning," as shown by certificate of Doctors Martin and Lapham, United States examining surgeons, of Augusta, Me., dated February 16, 1887. Dr. F. C. Perkins, of China, Me., who attended the soldier in his last sickness, in an affidavit dated June 26, 1889, says:

"I hereby certify that Timothy Robinson died January 17, 1889. The cause of his death was extravasation of blood into the substance of the brain, resulting in complete hemiplegia. * * * And judging from the condition in which I found him I have no doubt but what the hemorrhage was the result of the fatty degeneration of the vessels caused by malaria."

The following statement, signed by fourteen members of J. P. Jones Post, No. 106, G. A. R., South China, Me., clearly sets forth the needs and claims of the claimant:

"Mrs. Robinson is a lady nearly seventy-four years of age, almost entirely destitute of any means of support, her health very poor, and broken-down constitution. She is able to do but very little work of any kind. We consider her claim for a pension surpassed by few, considering her age and means of support, and taking into account that a husband, three sons, and four brothers went to the front, all as volunteers, and four of this number fell in battle.

"We saw Mr. Robinson once or twice each day during his sickness, and know that he suffered very much from his army troubles, which were a kidney trouble and malarial poisoning, for which he was pensioned. Although in his last days of life he was stricken with paralysis, yet we are of opinion that the direct cause of his death was his army troubles, and as there was no examination after death we think the widow's claim should never have been rejected because paralysis was among the list of ailments in his last moments."

In view of the evidence submitted the committee are of the opinion that the claim is a just one, and recommend that the bill do pass.

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

LYDIA HOOD.

The next business on the Private Calendar was the bill (H. R. 9132) granting a pension to Lydia Hood.

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-rolls, at $12 a month, the name of Lydia Hood, of Chelsea, Vt., mother (by adoption) of Hollis H. Hood, late of Company I, Tenth Vermont Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9132) granting a pension to Lydia Hood, submit the following report:

The evidence in this case shows the following facts: Lydia Hood is an old and well known resident of Chelsea, Vt.; her husband was a feeble man, who long ago left her a widow, and she has never remarried.

Before the war she and her husband took into their family a male child a few months of age, whose name was not known, if it had any, and they called the child Hollis H. Hood and brought him up as if he were their own child, gave him an education, and in all ways treated him like a son of their own. He was the only male child in their family and was much depended upon by the mother, who looked to him for support in her declining years.

At the breaking out of the war he enlisted as a private in Company I, Tenth Vermont Volunteers, being eighteen years old.

The soldier died in the service from measles followed by fever, near Brandy Station, in February, 1864.

While this soldier was in the service he signed over to his mother his bounty and State pay, and after his death the chaplain wrote his mother that his strongest desire to live seemed to be on his mother's account.

Lydia Hood applied at Pension Office for pension as dependent mother of this soldier and claim was rejected because she was not the natural mother of said soldier.

She is now ninety-three years old and is so destitute that the town authorities find it necessary to make provision for her partial support.

She is shown to be entirely worthy and in needy circumstances and to have taken this soldier and reared and cared for him from a babe till he became a volunteer in the service of his country. She christened him in her own name and under that name he served and died, and the committee, to whom this bill was referred, think she ought not to be deprived of pension because she was not his natural mother.

We recommend that the bill do pass.

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

NANCY M. GROSS.

The next business on the Private Calendar was the bill (H. R. 6809) granting a pension to Nancy M. Gross.

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 Nancy M. Gross, who was a nurse in the Second and Sixth Maine Regiments, 1861 and 1862.

The report (by Mr. NUTE) is follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6809) granting a pension to Nancy M. Gross, submit the following report:

The claimant, Mrs. Nancy M. Gross, asks that a pension may be granted her in consideration of her services as nurse in the war of the rebellion. The claimant states that she enlisted as a nurse at Bangor, Me., June, 1861, under the name of Nancy M. Atwood; was assigned to the Sixth Regiment Maine Volunteers; accompanied said regiment to Portland, Me., and thence about the 17th of July, 1861, to Washington, thence to Chain Bridge, Maryland. October 10 was transferred to the Second Maine Regiment, then at Hall's Hill, Virginia.

Late in the spring of 1862 she was transferred to Washington, D. C., and then detailed by Miss Dix for work on the peninsula, around Yorktown, Va., but was obliged to resign on account of illness, and returned to Maine in the summer of 1862. In 1864 she was a nurse in the Gymnasium Hospital at Bangor, Me. Her husband, Stover P. Gross, late sergeant of the Second Maine, is a pensioner for wounds received at Malvern Hill in 1862, and is unable, with his increasing infirmities, to support himself and dependent family, and in the near future will require the constant attention of his wife.

H. P. Crowell, of Bangor, Me., late sergeant in Second Maine, certifies:

"I have been acquainted with Mrs. Nancy M. Gross, formerly Nancy M. Atwood, for thirty years. In the fall and winter of 1861-'62, she was hospital nurse in the Second Maine Regiment, and was highly respected by the officers and men, especially the sick, to whom she rendered valuable aid, sparing no pains for their comfort and welfare."

Virgil P. Wardwell, first lieutenant, Company E, Sixth Maine Volunteers, certifies:

"Nancy M. Atwood went out with us as a nurse. She was with the regiment all the time I was with them. I positively know that she was held in the highest esteem by the officers and men as a woman, and as a nurse she was regarded as most excellent."

Charles W. Roberts, late colonel Second Regiment Maine Volunteers, certifies:

"I am personally acquainted with Mrs. Nancy M. Gross, formerly Mrs. Nancy M. Atwood. In the years 1861 and 1862 she did effective service as a nurse in my regiment, and was very highly esteemed by the officers and men of my command."

Hon. Hannibal Hamlin states as follows:

"I have no personal knowledge of the services of Mrs. Gross, but my acquaintance with her enables me to know she is an excellent and worthy woman, and I cordially recommend her as worthy of a pension."

In view of the evidence submitted, the committee is of the opinion that the claim is a just one and recommend that the bill do pass, amended, however, by adding after the words "sixty-two," in line 8, the words "and pay her a pension at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

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

SYLVANUS B. DORSETT.

The SPEAKER *pro tempore*. The Speaker of the House has a bill that he would be very glad to have considered. Without objection, the Chair will lay it before the House.

There was no objection.

The bill was read as follows:

A bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett.

*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 Sylvanus B. Dorsett, dependent father of John Dorsett, late private in Company G, Ninth United States Infantry, killed September 13, 1847, at the battle of Chapultepec, at the rate of $12 a month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett, have considered the same and report as follows:

John Dorsett, the claimant's son, enlisted on the 23d of March, 1847, in Company C, Ninth United States Infantry; transferred to Company G, same regiment. He was killed in action at Chapultepec, Mexico, September 13, 1847.

In his petition for relief the claimant, Sylvanus B. Dorsett, declares that he is the father of the above-named soldier, and that he is aged and infirm, having been born June 7, 1802. He further declares that he lives alone, has no means of support, and is dependent entirely upon charity.

His post-office address is Sligo Falls, Cumberland County, Maine.

Edwin R. Wingate, Gideon M. Tucker, Frank A. White, and twenty other citizens of claimant's vicinity vouch for the truthfulness of the claimant's statements and ask that the claimant be granted a pension.

No pension on account of the service and death of the soldier, John Dorsett, has ever been granted to any one.

The act of Congress passed at the present session, providing among other things for a pension to the dependent parents of the deceased soldiers of the war of the rebellion, does not include within its scope the aged and dependent parents of soldiers of prior wars, and the only way of affording this claimant the relief he stands in so much need of is by special act.

The passage of the bill is recommended.

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

The SPEAKER *pro tempore*. The Chair will now recognize gentlemen to call up bills for consideration.

MRS. MARGARET WALKER.

Mr. STOCKBRIDGE. I call up for present consideration the bill (H. R. 11635) to pension Mrs. Margaret Walker.

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 Mrs. Margaret Walker, late an army nurse, and to pay her a pension of $12 a month.

SEC. 2. That this act shall take effect from the date of its passage.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11635) granting a pension to Mrs. Margaret Walker, submit the following report:

The claimant in this case was an army nurse who served for sixteen months, twelve or fourteen of which she was at the Camden Street Hospital, in Baltimore, and the remainder of the time at the Jarvis General Hospital, Baltimore. These facts are shown by the affidavit of Josephine R. Guy, and in part also by a letter written in September, 1862, by Dr. John Dickson, the acting assistant surgeon at the said Camden Street Hospital.

It is further shown by the affidavit of one Sarah H. Clark, who is the present landlord of the claimant, and also by the affidavits of others, that the claimant is now in her ninety-first year and that she is dependent for support upon her daughter, who supports her by sewing. Thus the facts of faithful service for more than one year, her advanced age and dependence being established, the committee recommends that the bill, which proposes to give her a pension at the rate of $12 a month from and after the passage of the act, do pass.

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

JOHN CASSIDY.

Mr. CUMMINGS. I ask for the present consideration of the bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the naval record of John Cassidy, late an ordinary seaman on the United States ship Vandalia, and grant him an honorable discharge, dated June 20, 1865.

The report (by Mr. WALLACE, of New York) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11996) for the removal of the charge of desertion from the record of John Cassidy, respectfully report that they have given the matter due consideration and find that the said John Cassidy enlisted December 22, 1864, while under age, assuming the name of John Cummings, he having been rejected under his own name as a minor, and served faithfully until June 20, 1865, on board the United States ships Lenapee and Mackinaw, off Fort Fisher, at the taking of Wilmington, N. C., and afterwards up the James and Appomattox Rivers.

When the war closed the Mackinaw was sent north to Portsmouth, N. H., and went out of commission in June, 1865; Cassidy, with others, was transferred to the United States steam-ship Vandalia, and on June 20 was given one month's leave on shore. Under the impression that the enlistment was for three years or until the war had closed, and the war having closed, Cassidy, who had found employment in Brooklyn, did not return to the Vandalia at the expiration of his leave. Cassidy's case falls outside the provision of the act of Congress approved August 14, 1888, "for the relief of certain appointed or enlisted men of the Navy," etc., only by less than two months in time of service.

We would also direct attention to the fact that Cassidy was only eighteen years of age at the time of his technical desertion. He has since then led an industrious and exemplary life and is a respected citizen of Brooklyn and an esteemed business man of New York City. For the sake of his children, especially, he is desirous of having the record of desertion removed, and your committee recommend that the bill do pass.

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

WILLIAM CLAWSON.

Mr. FLICK. I ask for the present consideration of the bill (S. 1971) for the relief of William Clawson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, directed to enter the name of William Clawson as a private of Company I, Fourth Regiment of Iowa Volunteer Infantry, upon the rolls of said company, mustered into the service August 2, 1861, and honorably mustered out August 8, 1863, and to issue to him an honorable discharge accordingly; and said Clawson shall be paid all the pay, allowances, and bounties due a soldier regularly serving in said company between the dates aforesaid.

The report (by Mr. DOLLIVER) is as follows:

The Committee on War Claims, to whom was referred the bill (S. 1971) for the relief of William Clawson, report as follows:

Your committee adopt the report, hereto annexed, from the Committee on Military Affairs of the Senate of the present Congress, and report back the bill and recommend its passage.

[Senate Report No. 747, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1971) for the relief of William Clawson, having considered the same, report as follows:

The facts of this case, as shown by the sworn petition of William Clawson, supported in all material respects by a number of affidavits of members of Company I, Fourth Regiment Iowa Volunteers, are these:

Clawson enlisted as a private in that company on the 2d day of August, 1861, and was sworn into service by its captain; but the mustering officer refused to muster him because he thought Clawson had consumption, which proved to be a mistake. Clawson with the consent of the captain, remained with the company and did regular service and participated in every action in which his command was engaged, including the siege of Vicksburg, until the 8th of August, 1862, when his captain resigned and he left the company, having, in the mean time, contracted disease in the service. The fact of his service between the dates named is clearly established, and although his name is not borne on the rolls of the company on file in the War Department, the actual service he performed seems to entitle him to relief.

Your committee recommend that the bill be amended as indicated below, and when so amended that it pass.

Amend by striking out all after the enacting clause and inserting the following:

"That the Secretary of War be, and he is hereby, directed to enter the name of William Clawson as a private of Company I, Fourth Regiment of Iowa Volunteer Infantry, upon the rolls of said company, mustered into the service August 2, 1861, and honorably mustered out August 8, 1863, and to issue to him an honorable discharge accordingly; and said Clawson shall be paid all the pay, allowances, and bounties due to a soldier regularly serving in said company between the dates aforesaid."

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

MARY JANE MARTIN.

Mr. KILGORE. I call up for consideration the bill (H. R. 11987) to pension Mary Jane Martin.

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 Mary Jane Martin

of the city of Washington, in the District of Columbia, widow of Andrew Martin, deceased, late a private in Capt. James P. Barker's company of Colonel Smith's regiment Pennsylvania Volunteers, Indian war of 1837, and pay her a pension at the rate of $20 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11987) granting a pension to Mary Jane Martin, have considered the same and report as follows:

The claimant's late husband, Andrew Martin, deceased, was enrolled October 31, 1837, at Philadelphia, Pa., a private in Capt. J. P. Barker's company, First Regiment Pennsylvania Militia, for six months, and is reported on company muster-out roll, dated May 25, 1838, at New Orleans, La., "discharged at Fort Brooks," date and cause not stated.

John W. Thompson and William P. Allan testify that they are personally acquainted with Mary Jane Martin, widow of Andrew Martin, and know that she is about fifty-nine years old, and without any property or income; also that she is entirely dependent upon friends and relatives for support, except such as she may earn by her own labor.

There are many precedents for pensioning the needy widows of the soldiers of the old Indian wars, and your committee therefore return the bill with a favorable recommendation.

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

AMANDA E. PARKIS.

Mr. BELKNAP. I call up for present consideration the bill (H. R. 11064) granting a pension to Amanda E. Parkis.

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 Amanda E. Parkis, widow of Elias Parkis, late of Company A, Eighth Michigan Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11064) granting a pension to Amanda E. Parkis, submit the following report:

Claimant was the wife of Elias Parkis, private Company A, Eighth Michigan Infantry, and who died in 1863 during the siege of Fredericksburgh, Va., from disease and exposure. She was pensioned as the widow of this soldier until her marriage with one O. C. Goodrich, with whom she lived until the year 1877, and was then divorced from him on the grounds of extreme cruelty, since which time she has been dependent upon her own daily labor for her living. From the best information in possession of your committee it is clear that she has no means of support other than her daily labor and is truly dependent upon others much of the time.

As it is customary to renew pensions of this nature, your committee recommend the passage of the bill.

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

JOHN S. FERGUSON.

Mr. GEAR. I call up for consideration the bill (H. R. 9767) granting an increase of pension to John S. Ferguson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll John S. Ferguson, of Keokuk, Iowa, late of Company F, Twenty-eighth Regiment of Iowa Volunteer Infantry, and pay him a pension of $60 a month, in lieu of $36 a month now allowed said Ferguson for disability arising from loss of right arm at the elbow, partial deafness from concussion, and the shell wound received by him on April 8, 1864, in the battle of Sabine Cross-Roads, Louisiana.

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

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9767) granting a pension to John S. Ferguson, submit the following report:

Ferguson was a soldier of Company F, Twenty-eighth Iowa Infantry, and was desperately wounded at the battle of Sabine Cross-Roads by a shell that exploded in close proximity to him.

His right arm was lacerated, necessitating amputation thereof above the elbow; he was wounded in the right knee, shot through the left side of the face, blinding left eye and almost wholly destroying the hearing of left ear, and one piece of shell wounded left elbow, injuring the bones of the arm; another piece entered the left side of his neck and is now under the left shoulder blade, causing constant pain so that he carries his arm in a sling and it is rendered almost useless. He is pensioned at $36 per month and now asks for $60 per month.

His claim for total disability was rejected by the Pension Bureau on the ground that he did not require the "constant aid of another person." He can walk about, is unable to dress himself, is a constant sufferer, a physical wreck. Your committee, having carefully examined the evidence submitted and also examined the wounds on the person of the applicant, believe that this is an exceptionally meritorious case and that the beneficiary is entitled to a pension for total disability, and therefore recommend that the bill be amended by striking out the words "sixty dollars" in the seventh line thereof and inserting "$72," and that when so amended said bill pass.

The amendment recommended by the committee was agreed to.

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

MICHAEL MESKELL.

Mr. TRACEY. I call up for consideration the bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he hereby is, authorized and directed to cause the records of the Navy Department to be so amended as to remove the charge of desertion from the service record of Michael Meskell, late a seaman on the United States ship Pocahontas, and to grant an honorable discharge to the said Michael Meskell as of the date of July 30, 1865.

The report (by Mr. DOLLIVER) is as follows:

Your committee, to whom was referred the bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskell, find from the papers submitted that the said Meskell enlisted in the United States Navy on March 20, 1865, and served as an ordinary seaman on board the United States ship Pocahontas. On the arrival of the vessel at New York, in July, Meskell went on shore without leave, with no intention to desert, and before the expiration of twenty-four hours he voluntarily returned to report for duty, but his name having already been recorded as a deserter permission to return to duty was refused him.

The reason assigned by Meskell for his temporary absence from the ship was that his sister and brother, whom he had not seen in many years, had just arrived in New York, and with whom he spent the day, and he states that he had not the least idea that his short absence from the vessel under these circumstances was such a breach of discipline that was to be so severely punished. If he had he would not have gone on shore. It also appears that Meskell exerted every effort to have the stigma hanging over him removed, in which he was supported by a numerously signed petition of the citizens of West Troy, N. Y., all of whom bore testimony as to his good character and worth. Since the pending bill for the relief of Meskell has been under consideration the applicant has died, leaving a large family, eight children, in whose behalf his surviving widow appeals that the charge of desertion may be removed for the benefit of his children. In view of these facts your committee believe that the charge of desertion should be corrected, and we accordingly recommend that the bill do pass.

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

JANE BOSWELL MOORE BRISTOR.

Mr. BAKER. I call up for consideration the bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll the name of Jane Boswell Moore Bristor, a field-hospital nurse during the late war, at the rate of $25 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor, submit the following report:

Mrs. Jane Boswell Moore Bristor, of Baltimore, Md., at the commencement of the late war was residing with her mother in Baltimore. They immediately began visiting the hospitals that were improvised in that city, and continued in that work until the battle of Antietam, when they began active operations in the field in visiting field hospitals and caring for the sick and wounded. Their time was divided from this time until the close of the war between nursing in the field hospitals and gathering supplies and valuable donations from the Northern States, taking them to the front in person and distributing them.

Mrs. Bristor was a correspondent for a number of religious and secular periodicals from the Northern States, and by this means great quantities of donations were forwarded to her address in Baltimore, where her residence was turned into a store-house, where articles were prepared and taken to the front and distributed by their own hands.

For days at a time they would be ministering to the sick and wounded of both armies upon the battle-field, unsheltered from the inclement weather that generally followed great battles, sleeping at night in the small tents, that they might continue their work early in the morning.

The exposures incident to all of this work resulted in loss of health to Mrs. Bristor, the acquiring of painful and incurable disease of the kidney, and partial blindness. In their missions of mercy they spent a month at Taylor Hotel Hospital, Winchester, Va., among malignant forms of fever, and among the wounded of Chancellorsville, and a month among the sufferers at Gettysburgh, staying upon the field during this time; some three months before Petersburgh and on the Appomattox, where Mrs. Bristor was prostrated with fever for some weeks. They spent six months in the field, and especially among the wounded of Cedar Creek, after General Sheridan was in command. After the occupation of Richmond ten weeks were spent in ministering to the sick and wounded soldiers.

All this time they were receiving supplies, and materials were being forwarded to them by charitable associations of the Northern States. They carried mail to and fro, were intrusted with large sums of money by soldiers at the front to convey to a place of safety, when it was expressed in accordance with their directions. During the entire war neither Mrs. Bristor nor her mother was connected with any organization, aid society, commission, or association whatever. They did not receive a dollar for their services from any quarter, nor were they employed at any time by the Government or its agents. The Government furnished them teams at different times, but they paid their entire expenses.

All of these facts are thoroughly established by the very highest authority. Letters are filed vouching for these facts by Rev. J. G. Morris, D. D., a Lutheran minister; Professor Conrad, editor of the Philadelphia Lutheran Observer; Rev. E. J. Drinkhouse, editor of the Methodist Protestant, Baltimore; Rev. Dr. McCabe, corresponding secretary of the mission rooms of the Methodist Episcopal Church, of New York; Rev. William H. Boole, of New York, pastor in the Methodist Episcopal Church; G. R. Griffith, late president of the Maryland United States Christian Mission; Dr. J. W. Chambers, M. D.; Thomas Opie, M. D.; Julius Chisolm, M. D.; Russell Murdock, M. D.; George Ruling, M. D.; H. C. Graham, M. D.; John Dixon, M. D.; also original letters and orders addressed to her while engaged in this service from President Lincoln, Generals Grant, Meade, Hancock, Sheridan, Hooker, Schenck, Smith, Burnside, Wallace, Crook, Emory, Terry, Governor Pierpont, Colonel Strother, Dr. Brock, Chaplain Collins, Rev. P. S. Boyd, Rev. Dr. M. Jilton, Captain Todd, Colonel Shaffer, and many others. All of which clearly establish the facts set forth.

Mrs. Bristor is now in extremely poor health, caused by her army service, as proven by the evidence of the physicians above mentioned, and has lost her property and is in poor financial circumstances, absolutely needing the assistance this pension would grant her.

Your committee recommend that the bill pass.

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

MRS. FREDERIKA B. JONES.

Mr. FLOWER. I call up for consideration the bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones.

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 Frederika B. Jones, widow of the late Brig. Gen. Roger Jones, on the pension-roll, and pay her a pension at the rate of $100 per month from and after the passage of this act.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones, have had the same under consideration, and find that she is the widow of the late Brig. Gen. Roger Jones, who served with great distinction in the late war of the rebellion.

The following letters and extracts from newspapers describe the advance-

ment of this officer on account of his gallantry, especially in the destruction of the arsenal at Harper's Ferry, during the late war:

WAR DEPARTMENT, *April* 22, 1861.

MY DEAR SIR: I take pleasure in apprising you that in consideration of your very skillful and gallant conduct at Harper's Ferry, I have ordered a commission to be issued to you as assistant quartermaster-general, with the rank of captain.

SIMON CAMERON, *Secretary of War.*

Lieut. ROGER JONES.

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WAR DEPARTMENT, *Washington, April* 22, 1861.

MY DEAR SIR: I am directed by the President of the United States to communicate to you, and through you to the officers and men under your command at Harper's Ferry armory, the approbation of the Government of your and their judicious conduct there, and to tender you and them the thanks of the Government for the same.

I am, sir, very respectfully,

SIMON CAMERON, *Secretary of War.*

Lieut. ROGER JONES,
*Late Commanding at Harper's Ferry.*

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CAPT. ROGER JONES, THE HERO OF HARPER'S FERRY.

[Written for The Telegraph.]

In the excitement of the present difficulties I hope the important services of Capt. Roger Jones, the hero of Harper's Ferry, will not be forgotten. In command at Harper's Ferry, one of the most important stations and arsenals in the country, and learning through pickets, that he had thrown out for miles, that a large body of Virginians were coming to attack him, to secure the large number of minié and other muskets that were there, he notified the Government. They did not see proper to re-enforce him. Without orders he made preparation to blow up the building containing the arms, and in fact workshops and all, to defeat the purpose of the secessionists, the capture of the Government arms at that place.

It is now generally admitted that had they secured the arms at Harper's Ferry they would have attacked Washington, first having secured the co-operation of the secessionists of Baltimore and Maryland. At that time Washington was at the mercy of an invading Southern army. There were over twenty thousand stand of the most approved arms at Harper's Ferry at that time. The secessionists at Harper's Ferry were spies on Captain Jones, and every movement of his was watched and reported. He distributed the powder throughout the buildings by a trick. He carried kegs of powder in the chaff-bags of the soldiers, circulating that he was changing the quarters of the soldiers. When his scouts had announced to him that over three thousand Virginians were advancing, and were within 2 miles of the place, he and his little band fixed the trains and destroyed the arms and buildings and retreated toward Chambersburgh. How effectually he succeeded is well known.

If Captain Jones had acted like the great majority of Southern officers, what an incalculable amount of mischief he would have done. It was expected, as is now positively known, that Harper's Ferry would yield without a struggle and that the arming of the secessionists would be accomplished. Captain Jones is a son of General Jones, formerly Adjutant-General of the Army. His parents and all his relations are Virginians. He is a cousin of Colonel Lee, now in the command of the Virginia forces.

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CARLISLE BARRACKS, PA., *April* 20, 1861.

SIR: Immediately after finishing my dispatch of the night of the 18th instant I received positive and reliable information that 2,500 or 3,000 State troops would reach Harper's Ferry in two hours from Winchester, and that the troops from Halltown, increased to 300 men, were advancing and were at that time (few minutes after 10 o'clock) within twenty minutes' march of the Ferry.

Under these circumstances I decided the time had arrived to carry out my determination as expressed in the dispatch above referred to, and accordingly gave the order to apply the torch. In three minutes or less both of the arsenal buildings, containing nearly 15,000 arms, together with the carpenter's shop, which was at the upper end of a long and connected series of workshops of the armory proper, were in a complete blaze.

There is every reason for believing the destruction was complete.

After firing the buildings I withdrew my command, marching all night, and arrived here at 2.30 p. m. yesterday, where I shall await orders.

Four men were missing on leaving the armory and two deserted during the night.

Respectfully, I am, sir, your obedient servant,

R. JONES,
*First Lieutenant R. M. Riflemen, Commanding Department Recruits.*

The ASSISTANT ADJUTANT-GENERAL,
*Headquarters of the Army, Washington, D. C.*

A copy respectfully furnished the Assistant Adjutant-General, headquarters of the Army, New York.

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[New York Herald, April 20, 1861.]

THE UNITED STATES ARMORY AT HARPER'S FERRY DESTROYED.

WASHINGTON, *April* 19, 1861.

General Scott has just received a telegraphic dispatch from Captain Kingsbury, stating that he had burned the armory buildings, the troops having evacuated and marched into Maryland.

There were 15,000 stand of arms in the armory, which were all destroyed.

There was a large force from Virginia on their way to seize the armory, in order to get possession of the arms. This will be a sad disappointment to the Virginia troops, who confidently expected to get possession of these arms.

General Scott received a dispatch at 2 p. m. to-day dated Chambersburgh, 19th instant, from the commander of the arsenal at Harper's Ferry, as follows:

"Finding my position untenable, shortly after 10 o'clock last night I destroyed the arsenal, containing 15,000 stand of arms, and burned up the armory building proper, and under cover of the night withdrew my command, forty in number, almost in the presence of 2,500 or 3,000 troops. This was accomplished with but four casualties. I believe the destruction was complete. I will await orders at Carlisle.

"R. JONES, *Captain Commanding.*"

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CARLISLE, PA., *April* 19, 1861.

Lieutenant Jones, late in command at Harper's Ferry, arrived here with his command of forty-three men at 3 p. m. to-day.

Lieutenant Jones, having been advised that a force of 2,500 troops had been ordered by Governor Letcher to take possession of Harper's Ferry, and finding his position untenable, under direction of the War Department, destroyed all the munitions of war, armory, arsenal, and all the buildings. He withdrew his command under the cover of night, and almost in the presence of 2,500 troops. He lost three men.

Fifteen thousand stand of arms were destroyed.

The command made a forced march of 30 miles last night from Harper's Ferry to Hagerstown, in Maryland.

Lieutenant Jones and command looked much worn and fatigued. They were most enthusiastically received by our entire population.

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PHILADELPHIA, *April* 19, 1861.

A dispatch received here from Washington says all the arms that were at Harper's Ferry were burned in a pile.

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[Commercial Advertiser, New York, April 20, 1861.]

THE HARPER'S FERRY AFFAIR.

The exciting report was received on Friday that the Government buildings at Harper's Ferry had been destroyed. Later dispatches furnish the following facts:

A DISPATCH FROM THE OFFICER IN COMMAND.

General Scott received a dispatch dated Chambersburgh, 19th instant, from the commander of the arsenal at Harper's Ferry, as follows:

"Finding my position untenable, shortly after 10 o'clock last night I destroyed the arsenal, containing 15,000 stands of arms, and burned up the armory building proper, and under cover of the night withdrew my command, 40 in number, almost in the presence of 2,500 or 3,000 troops. This was accomplished with but four casualties. I believe the destruction was complete.

"I will await orders at Carlisle.

"R. JONES, *Captain Commanding.*"

THE REASON OF IT.

Lieutenant Jones, late in command at Harper's Ferry, arrived at Carlisle, with his command of 43 men, at 3 p. m. on Friday.

Lieutenant Jones, having been advised that a force of 2,500 troops had been ordered by Governor Letcher to take possession of Harper's Ferry and finding his position untenable, under directions of the War Department, destroyed all the munitions of war, armory, arsenal, and all the buildings. He withdrew his command under the cover of night and almost in the presence of 2,500 troops. He lost three men.

Fifteen thousand stand of arms were destroyed.

The command made a forced march of 30 miles last night from Harper's Ferry to Hagerstown, in Maryland.

Lieutenant Jones and command look much worn and fatigued. They were most enthusiastically received by our entire population.

LIEUTENANT JONES'S ACCOUNT.

He states that, hearing on Thursday that six hundred Virginians were approaching by the Winchester road to seize the arsenal, they put piles of powder in straw in all the buildings and waited quietly the approach of the picket guard, who gave the alarm, and the garrison set on fire the out-houses, carpenter-shop, and powder fuses, and then began to retreat.

The citizens of Harper's Ferry, who were evidently in league with the party advancing to seize the arsenal, were instantly in arms, pursued, fired, and killed two regulars. Two others deserted before the troops reached Hagerstown. They marched all night, missed the railroad train at Hagerstown, and took omnibuses to Chambersburgh on Friday.

As the Federal troops rushed across the Potomac bridge at Harper's Ferry the people rushed in the arsenal. Lieutenant Jones believes that large numbers perished by the explosion. Repeated explosions occurred, and he saw a light of the burning buildings for many miles.

Lieutenant Jones, who has arrived from Harper's Ferry, is a son of the late Adjutant-General Jones, of the United States Army.

The troops are exhausted by the night march. They were fed by the people of Chambersburgh, and were received with loud cheers along the route to Carlisle.

In view of the gallantry and very distinguished services of General Jones, the committee recommend that this bill do pass.

Mr. FLOWER. I ask unanimous consent to have the bill amended so as to read: "granting a pension of $50 a month."

Mr. MORRILL. I would like to have that bill read again.

Mr. FLOWER. I will say that the bill was read the day before yesterday. It is the bill granting a pension to the widow of Brig. Gen. Roger Jones.

Mr. WHEELER, of Alabama. This bill was referred to the Committee on Pensions, which fixed the amount at $30 a month. The chairman of the committee assents to the amendment, and I ask unanimous consent that Mrs. Jones be pensioned at the rate of $50 a month.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that the Committee on Pensions be discharged from the further consideration of this bill and that it be considered in the House at this time; and he also asks that the bill shall be amended so as to read: "Pay her a pension at the rate of $50 per month." Is there objection? The Chair hears none.

The amendment was agreed to.

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

FAYETTE ADAMS.

Mr. HITT. Mr. Speaker, I call up the bill (H. R. 6908) to amend the record of Fayette Adams, Company I, Thirty-seventh Illinois Volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of Fayettee Adams, of Company I, Thirty-seventh Illinois Volunteers.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, having had under consideration House bill 6908, beg leave to report that the evidence in this case shows that Fayette Adams enlisted in Company I, Thirty-seventh Illinois Volunteer Infantry, September 10, 1861, and was a good soldier until February 25, 1863, when, at the solicitation of a comrade, he deserted; said soldier was a mere youth, between sixteen and seventeen years of age, and did not fully comprehend the grave offense he committed by desertion; that upon seeing the proclamation of Abra-

ham Lincoln and learning the serious offense, he immediately re-enlisted in Company D, Ninth Iowa Cavalry, on July 18, 1863, and served until March 23, 1866, when he was mustered out with an honorable discharge. This man served four years and two months as a soldier in the Union Army and was absent as a deserter fifty-four days over four months, the time allowed by the general law for the removal of the charge of desertion.

In consideration of his long service and of his youth and inexperience at the time he deserted, the 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.

WASHINGTON GRIGSBY.

Mr. WHEELER, of Alabama. Mr. Speaker, I call up the bill (H. R. 9545) granting a pension to Washington Grigsby.

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 Washington Grigsby, dependent father of Jefferson Grigsby, late of Company B, Twelfth United States Colored Troops.

The report (by Mr. LEWIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9545) granting a pension to Washington Grigsby, submit the following report:

Washington Grigsby is the father of Jefferson Grigsby, who enlisted in Company B, Twelfth Regiment United States Colored Infantry, July 31, 1863, and died of chronic diarrhea in hospital at Nashville, Tenn., February 5, 1865.

The soldier left surviving him a widow, who died in February, 1872, but no children. Because of this fact the father has no title under the general law; hence the rejection of his claim by the Pension Office.

Claimant never owned any property, and being now about one hundred years old is utterly unable to earn a support, being maintained by the charity of his neighbors. Relief, if any, must soon come.

Your committee are of opinion that the bill should be passed without delay, and therefore return the same with a favorable recommendation.

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

DUNCAN D. CAMERON.

Mr. SAWYER. Mr. Speaker, I call up the bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops, by removing therefrom the entry of dismissal from the United States service March 27, 1865, for absence without leave, and granting him an honorable discharge as of that date; but nothing herein contained shall in any way entitle him to additional pay or allowance on account of such service.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops, submit the following report:

Duncan D. Cameron entered the service August 26, 1862, as private in the sixth company, New York Sharpshooters, and was discharged therefrom November 10, 1863, to accept promotion in colored troops. He was mustered in as first lieutenant, Ninth Regiment, United States Colored Troops, November 29, 1863, and on January 31, 1865, tendered his resignation on the ground that he may be enabled to go home to settle the affairs of his father, who had died without will or other disposition of his property, which was encumbered to some extent and required immediate attention. He was the oldest male representative of the family, and therefore deemed it his duty to take charge of the affairs and make the best arrangements possible for the future comfort and welfare of his mother and the younger members of the family.

His resignation, however, was not accepted, but instead he was granted leave of absence for thirty days from February 9, 1865. At the time of his departure home under this leave his health was much impaired by reason of the hardships and exposure of the service, and about February 20, 1865, he became bedfast by reason of malarial fever and inflammatory rheumatism, from which disease he did not recover until late in the following summer, which was very clearly shown by the testimony of his neighbors, persons of the highest character. On February 28, 1865, and before his leave of absence had expired, and while on his sick-bed, Cameron again tendered his resignation, and forwarded the same from Albany, N. Y.

The indorsement upon the resignation by the commanding officer of the regiment, who was evidently not friendly inclined toward Cameron, to the effect that its acceptance would benefit the service, was not borne out by the previous record of the officer. It nevertheless had its effect, as is apparent by the action of the brigade commander, who approved the said resignation only to be disapproved by the division and corps commanders.

The regimental commander, not satisfied with the result, called the attention of the Adjutant-General of the Army to Lieutenant Cameron's apparently unauthorized absence after March 11, 1865, and requested that the latter be ordered before the military commission at Washington, D. C., for trial.

From the records of the War Department it would further appear that Lieutenant Cameron was cited to appear before said commission, but failing to do so he was dismissed the service to date from March 27, 1865, for absence without leave.

Lieutenant Cameron during the period intervening between February 20 and March 27, 1865, was, as stated heretofore, confined to his bed with malarial fever and inflammatory rheumatism. He makes oath that he never heard of the action taken upon the tender of his resignation mailed from Albany, N. Y., February 28, 1865; that he never received a summons to appear before the military commission at Washington, D. C., and in fact knew nothing of any proceedings before said commission until about May 1, 1865, when he noticed his name in the Army and Navy Journal, in a list of those who had been dismissed "for absence without leave."

The proposed beneficiary is a man of high standing in the community in which he resides and of unimpeachable character. The fact of his severe and protracted illness after his arrival home under his leave of absence is clearly shown by the evidence on file. He had every reason to believe that his second resignation would be accepted, and while awaiting results and prostrated from sickness contracted in the service, without any notice whatever, his heretofore good record as a soldier and officer was stained by the finding of a military commission before whom he could not appear in his defense.

Your committee are of opinion that the facts in the case warrant favorable action on Lieutenant Cameron's request, and therefore return the accompanying bill with a recommendation that it do pass.

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

ELIZABETH DODGE.

Mr. YODER. Mr. Speaker, I call up the bill (H. R. 11421) granting a pension to Elizabeth Dodge.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Elizabeth Dodge, an army nurse, and pay her a pension at the rate of $12 per month, subject to the rules and limitations of the pension laws.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11421) granting a pension to Elizabeth Dodge, submit the following report:

Elizabeth Dodge served for fifteen months as nurse at the Chester Street Hospital at Philadelphia, Pa., under the charge of Thomas H. Bache, surgeon, United States Army. She proved herself so efficient and intelligent in the performance of her duties that she received the hearty and most complimentary indorsement of her superiors for appointment as matron at the Naval Asylum Hospital permanently located in that city.

She is now over seventy-two years of age, has no property or income except such as is derived from her own labor, which, by reason of infirmities of age, is inadequate for comfortable support.

The case comes clearly within a long line of precedents; wherefore your committee report favorably on the accompanying bill and ask that it do pass.

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

ALMOND C. WALTERS.

Mr. BOOTHMAN. Mr. Speaker, I call up the bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized and directed to issue an honorable discharge from the service of the United States to Almond C. Walters, late a member of Company E, One hundred and sixth New York Infantry, and Company C, One hundred and eighty-eighth New York Infantry, said honorable discharge to date from the day on which the said Almond C. Walters's first service terminated, and up to which he received pay. This act shall entitle the said Almond C. Walters to all rights and privileges heretofore withheld by reason of the failure to receive such discharge.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters, have considered the same and respectfully report:

Almond C. Walters enlisted as a private of Company E, One hundred and first New York Infantry Volunteers, December 10, 1861, to serve three years. He was wounded at the second battle of Bull Run, taken to hospital and furloughed to go home. Being a minor at time of enlistment, he was taken from the service by writ of habeas corpus.

In consequence he is borne on the rolls as a deserter. On September 2, 1864, he again enlisted in Company C, One hundred and eighty-eighth New York Infantry, and served faithfully therein until mustered out July 1, 1865, as first sergeant. These facts are obtained from the records in the War Department.

In consideration of the above state of facts the 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.

CHARLES FLETCHER.

Mr. PICKLER. Mr. Speaker, I call up the bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell.

The bill was read, as follows:

*Be it enacted, etc.*, That the charge of desertion standing against Charles Fletcher, who served under the name of James H. Mitchell as a private in Company H, Ninety-fifth Regiment of New York State Infantry Volunteers, is hereby removed, and the Secretary of War is hereby authorized and directed to discharge the said soldier as of the date to which said company and regiment were paid on their discharge.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell, having considered the same, respectfully report:

The evidence offered shows that Charles Fletcher, under the name of James H. Mitchell, was mustered in as a private of Company H, Ninety-fifth New York Volunteers, January 7, 1865, to serve three years, and was reported as deserted June 15, 1865, from Ball's Cross-Roads, Virginia. The command was mustered out of service one month later.

This soldier says he did not intend to desert, but was broken down in health, and, being sick, he left the command at Arlington and returned to his home in the District of Columbia, and that when he was convalescent he found that his company had been mustered out of service and disbanded. The soldier did not absent himself until after the war was over. The evidence offered in the case is printed herewith and made a part of this report.

The committee recommend that the bill do pass.

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*Case of Charles Fletcher, alias James H. Mitchell, late private Company H, Ninety-fifth New York Volunteers.*

RECORD AND PENSION DIVISION, *February* 27, 1890.

The records show that James H. Mitchell was enrolled and mustered in as a private of Company H, Ninety-fifth New York Volunteers, at Tarrytown, N. Y., January 7, 1865, to serve three years, and appears present for duty until June 15, 1865, when he deserted from Ball's Cross-Roads, Virginia.

He did not rejoin his command up to its muster-out on July 16, 1865, nor report his whereabouts or the cause of his absence to the proper military authorities of the United States.

His original application was returned to him (through his attorney) on June 27, 1889 with the information that his case was not covered by the act of March 2, 1889 (his total service prior to May 1, 1865, amounting to a less period than six months).

As no new evidence has been presented (he filed none in support of his original claim) the soldier's status has not since been changed.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, U. S. Army.*

The SECRETARY OF WAR.

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DISTRICT OF COLUMBIA, *County of Washington, ss:*

Francis C. Tucker, of lawful age, being duly sworn, deposes that he resides at 2530 P street, northwest, Washington, D. C., and has all his life known the applicant, Charles Fletcher, and in the fall of 1864 affiant gave Fletcher money to go to New York and enlist in the Army.

A short time thereafter he received a package of $250 from Tarrytown, N. Y., and having told the express agent he expected money from Charles Fletcher, the same was withheld, because sent by James H. Mitchell, until correspondence revealed the fact that they were one and the same person.

That affiant thereafter learned that Fletcher had enlisted in Company H, Ninety-fifth New York Volunteer Infantry, and learning about the 1st of July, 1865, that said regiment was encamped just across the river, he visited claimant and found him there serving in said company and regiment, under the name of James H. Mitchell.

That applicant came to the city to visit his friends the 4th of July, and was taken sick and was unable to rejoin his regiment prior to their taking transportation to New York; and that he has no interest in the application.

FRANCIS C. TUCKER.

Witness:
THOS. J. STALEY.

Sworn to and subscribed before me this 21st day of June, 1889, and I further certify that I have no interest in this application.

[SEAL.] THOMAS J. STALEY, *Notary Public.*

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DISTRICT OF COLUMBIA, *County of Washington, ss:*

Charles Fletcher, being duly sworn, deposes and says that he is the identical person who enlisted and served in Company H, Ninety-fifth Regiment, New York Volunteer Infantry, under the name of James H. Mitchell.

That from his birth to the time of his enlistment he resided in the said District of Columbia, and his parents and friends being averse to his going in the Army, he went to Tarrytown, N. Y., and there, about December, 1864, he enlisted in said company and regiment.

That he served faithfully till the close of the war, and while on the march home and while said regiment was at Arlington Heights, Virginia, just across the river from the city, he came over to visit his friends.

That his health was very much broken with the fatigues of the spring campaign and rapid march returning and he was taken ill, and while ill his regiment moved, and when convalescent he learned that they had been paid off and disbanded.

That he fully intended to serve out his full period of enlistment and would have done so had he not been prevented as above stated and set forth, and he asks, in view of the premises, that he be now honorably discharged, and any and all charges standing against him be removed and canceled.

(On the margin:) The deponent further says that none of the officers or enlisted men in said regiment know him by any other name than James H. Mitchell.

CHAS. FLETCHER.

DISTRICT OF COLUMBIA, *ss:*

Subscribed and sworn to before me the 21st day of June, 1889, and I further certify that I have no interest in this application. I further certify that the marginal note was made before signing.

[SEAL.] WILLIAM W. MOFFETT, *Notary Public.*

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DISTRICT OF COLUMBIA, *County of Washington, ss:*

In the matter of the application of Charles Fletcher, alias James H. Mitchell, for removal of charge of desertion, personally appeared Charles Fletcher, who, being duly sworn, deposes and says that within a few days after his enlistment he joined his company, the same being Company H, Ninety-fifth Regiment, New York Volunteer Infantry, and took part with them in the battles of Dabney's Mills, Hatcher's Run, and Five Forks.

That the weather was very bad and stormy during the entire spring campaign; that he was but sixteen years of age, and the exposure and fatigue brought on piles and rheumatism, which were aggravated by the rapid march back to Washington.

That he has held no correspondence with either officers or men of his company and does not know their whereabouts.

That when he obtained leave to visit his family in this city he fully intended to return to duty on the day following, and would have done so had he not been taken down with fever.

That there was no other duty remaining to be done by him except to proceed to New York, be mustered out and to receive his pay.

CHARLES FLETCHER.

Subscribed and sworn to before me this 24th day of March, 1890.

[SEAL.] N. D. ADAMS, *Notary Public.*

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

MATILDA M. HARRIMAN.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I call up the bill (H. R. 10294) granting a pension to Matilda M. Harriman.

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 Matilda M. Harriman, widow of William Harriman, late of Company F, One hundred and seventieth Regiment of Ohio Volunteers.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10294) granting a pension to Matilda M. Harriman, submit the following report:

The claimant is the widow of William Harriman, a member of Company F, One hundred and seventieth Ohio National Guard, who enlisted in the hundred days' service May 14, 1864, and was discharged on surgeon's certificate of disability June 22, 1864.

The claim was rejected in the Pension Bureau on the ground that the soldier's fatal disease, consumption (soldier having died April 9, 1865), existed prior to enlistment, and the claim is not embraced in the law passed June 27, 1890, as the soldier served less than ninety days.

Miles J. Saunders, of Harrison County, Ohio, late colonel commanding the One hundred and seventieth Ohio Volunteers, the regiment in which said soldier served, testifies that he was well acquainted with the soldier, and that while he was in said service and in the line of his duty as a soldier, at a place called North Mountain, in the State of Virginia, he contracted a severe cold which settled on his lungs and prevented him from performing military duty; that the disease was brought on by exposure to wet and cold weather and fatigue of camp life; that he knows if said soldier had had proper care at the time he contracted said cold he would have survived. He further testifies that he recommended his discharge after the cold had settled on his lungs.

Dr. James Stone, a resident of Harrison County, Ohio, testified in April, 1866, that he was personally acquainted with the said soldier before his enlistment and that he is satisfied that the disease of which soldier died was contracted and brought on by exposure during his army service, and that his lungs were not diseased before he enlisted, but that the exposure of camp life was the cause of his death.

John H. Hammond, a comrade of said soldier in the same company, testifies that soldier contracted a severe cold at North Mountain, Virginia, which settled on his lungs and incapacitated him for active duty. That at the date of his enlistment the said soldier was in good health and as free from disease as men generally are.

Your committee believe that the widow should be pensioned and recommend that the bill do pass.

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

JOHN D. BAGBY.

Mr. KELLEY. Mr. Speaker, I call up the bill (H. R. 12013) to pension John D. Bagley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized to place on the pension-rolls, subject to the provisions and restrictions of the pension laws, the name of John D. Bagley, who was a private in Capt. Japhet A. Ball's independent mounted company, Illinois Volunteer Infantry, during the Black Hawk war.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12013) granting a pension to John D. Bagby, have considered the same and report as follows:

The claimant, who resides at Marion, Kans., was a private in Capt. Japhet A. Ball's Company of Illinois Volunteers, and served from April 21, 1832, to May 28, 1832, in the Black Hawk war. He is now seventy-six years old and so crippled and feeble as to be unable to perform any manual labor. He has been badly crippled for sixteen years.

Mr. Bagby has no property or income from which to support himself and aged wife, and he stands in great need of the pension prayed for. His standing in the community in which he resides is first class, and the facts above recited are vouched for by prominent citizens.

The case seems an exceptionally meritorious one and your committee think it would be an act of simple justice to pass the bill, and that action is respectfully recommended. Amend by spelling the claimant's surname Bagby.

The amendment recommended by the committee was agreed to.

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

The title was amended to correspond with the change in the bill.

CORNELIUS M'LEAN.

Mr. LANSING. Mr. Speaker, I call up the bill (H. R. 2375) to correct the military record of Lieut. Cornelius McLean.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, directed to correct the military record of Lieut. Cornelius McLean, late of Company G, Thirty-ninth New York Volunteers, by removing therefrom the charge of dishonorable dismissal "for absence without leave and failing to file the necessary surgeon's certificate of disability, and to make reports to his regiment as required by the regulations of the War Department," and to grant said Lieutenant McLean an honorable discharge from the military service as of the date of July 7, 1864, and that he be paid whatever compensation may be due him up to that date.

The report (by Mr. LANSING) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2375) to correct the military record of Lieut. Cornelius McLean, having considered the same, respectfully report:

That Lieut. Cornelius McLean was in the hospital at Annapolis, Md., being treated for a disease contracted in the service, on the 7th of July, 1864. While so in hospital the commanding officer of his regiment, the Thirty-ninth New York Volunteers, requested that Lieutenant McLean be dismissed the service for continued absence and failure to report.

Pursuant to such request, Lieutenant McLean was summarily dismissed the service without any knowledge of such action on the part of his officers. On the same day he was examined by the medical board at Annapolis, who reported him unfit for duty and recommended his honorable discharge for disability. Thus it appears from the records of the War Department this officer was dishonorably discharged for a matter that was beyond his control. He was disgraced for being sick. Your committee think he should be relieved. The facts are fully set forth in the report from the War Department, herewith submitted.

Your committee recommend the bill be amended by striking out the words commencing in line 12 of the bill: "and that he be paid whatever compensation may be due him up to that date," and recommend that the bill so amended do pass.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February 17, 1888.*

SIR: I have the honor to return herewith letter of Col. C. McLean, dated the 18th ultimo, relative to his dismissal from service as second lieutenant, Combany G, Thirty-ninth New York Volunteers, referred to the Department by Hon. W. W. MORROW, House of Representatives, the 24th ultimo, for the military record of the officer, with view to introducing a bill for his relief, and to report as follows:

The records of this office show that Cornelius McLean served originally as second lieutenant, Company C, Forty-second New York Volunteers, but there is no muster-in roll of him in that grade and regiment on file.

His name is first taken up on the company return for March, 1862. Roll of company for March and April, 1862, reports him present; and the muster-out roll states that he was mustered in as second lieutenant April 30, 1862. He is reported present with company from April 30, 1862, to June 19, 1862, when he

tendered his resignation as second lieutenant on account of physical disability and was honorably discharged thereon June 20, 1862, in special orders, Army of the Potomac.

About six months later (December 8, 1863) he enlisted at New York City for the Thirty-ninth New York Volunteers (enlistment papers on file), but his name is not taken up on the rolls of any company of that regiment until the roll for January and February, 1864.

His name first appears on the morning reports of Company G, Thirty-ninth New York Volunteers, for February 12, 1864, with remark: "Sergeant; gained from detached service;" and on same, February 13, 1864, "Sergeant; promoted to second lieutenant, in charge of company."

He was mustered in as second lieutenant Company G, said regiment, February 12, 1864, and from February 18, 1864, to March 12, 1864, is reported "present, sick," and "sick in quarters."

March 9, 1864, upon the recommendation of the medical director of the Second Army Corps, Lieutenant McLean was directed in special orders from corps headquarters to proceed to Washington and report for treatment to Surg. R. O. Abbott.

He entered Seminary (officers') General Hospital, Georgetown, D. C., March 14, 1864, with rheumatism and was granted leave of absence for twenty days on surgeon's certificate of disability with permission to proceed to New York by special orders of April 12, 1864, Department of Washington.

He was readmitted to same hospital May 3, 1864; transferred to general hospital, Annapolis, Md., May 4, 1864; entered division No. 1, Officers' General Hospital, Annapolis, with debilitas, May 7, 1864; was examined by the medical board at Annapolis, Md., May 11, 1864, and by said board recommended that "he remain in hospital a few days for observation."

On June 27, 1864, the commanding officer Thirty-ninth New York Volunteers requested that Lieutenant McLean "be dismissed the service for continued absence and failure to report as required by existing orders. Lieutenant McLean was ordered to Washington in February, 1864, and has been absent since without reporting his station or condition. I hear of him in New York City apparently fit for duty."

Thereupon he was dishonorably dismissed the service July 7, 1864, in special orders from this office "for absence without leave and failing to file the necessary surgeon's certificate of disability, and make reports to his regiment, as required by the regulations of the War Department."

July 7, 1864 (date of dismissal), he was re-examined by the medical board at Annapolis, which found the officer suffering from rheumatic pericarditis, and that he would not be fit for active duty in the field again," and recommended that he be discharged the service.

The recommendation of the board was received at this office July 8, 1864, and the president of the board advised, July 12, 1864, that Lieutenant McLean had been dismissed the service.

July 19, 1864, Asst. Surg. William S. Ely, treasurer Officer's General Hospital, Annapolis, Md., reported that Lieutenant McLean, who had received pay for the month of June, 1864, in hospital, stated that he had made such disposition of his funds as to be unable to settle his board account by cash.

July 22, 1864, the Paymaster-General was directed to stop the pay of Lieutenant McLean until he had settled his board account with the hospital, which stoppage has never been removed.

Lieutenant McLean was last paid to include June 30, 1864, at Officers' Hospital, Annapolis, Md.

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

R. C. DRUM, *Adjutant-General.*

The SECRETARY OF WAR.

The amendment recommended by the committee in the report was agreed to.

Mr. LANSING moved to amend by adding at the end of the bill the following: "Provided no pay or allowance shall be deemed authorized by this act."

The amendment was agreed to.

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

MRS. SUSAN YOUNG.

Mr. RAY. Mr. Speaker, I call up the bill (H. R. 5517) granting a pension to Mrs. Susan Young.

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 Susan Young, widow of the late Samuel Young, late captain of the Independent Scouts of West Virginia.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5517) granting a pension to Susan Young, submit the following report:

Susan Young is the widow of Samuel Young, who was commissioned by the State of West Virginia as captain in the Pocahontas County State Guards, August 29, 1864, joined for service September 1, 1864, and discharged June 10, 1865. About the 23d of October, 1864, with twenty-eight or thirty men, on a scout in the enemy's country at or near Oldfield Fork of Elk, Virginia, he received a pistol-shot wound in his hand. The enemy was believed to be present or in near neighborhood.

After dark an alarm occurred and there was considerable confusion and firing by claimant's men. The testimony of comrades shows that he was shot; that he was acting, as he believed, against the enemy. None were seen, but that he was shot as aforesaid at the time.

There is further testimony from William Orvens, M. D., late acting assistant surgeon, United States Army, that Rev. Samuel Young called on him for consultation about an injury to his hand, which he stated was received while in the service:

"It presented the peculiar appearance of elevated erratic edges or pouting of the margins of the ulcer. It suggested the presence of some foreign body in the wound, which it was recommended should be removed by an operation. This he declined, saying his physician at home could do that. I have learned Mr. Young died a year or two later of cancerous affection arising in connection with his wound."

Dr. J. W. Ely says:

"I also lived a neighbor to him for about three years. I knew he was afflicted with a very sore hand, and I also observed his physical condition was very much impaired. I made a careful examination of his hand on October 13, 1884, which I found to be malignant cancer caused by a gunshot wound during the late war. I am confident that the cancer was caused from the wound, etc. I treated Rev. Mr. Young after October 13, 1884, until his death."

Mr. Young died November 2, 1885.

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.

JOSEPH A. BLAIR.

Mr. PETERS. I ask the present consideration of the bill (H. R. 2542) pensioning Joseph A. Blair.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Blair, late of Company C, Seventh Kentucky Cavalry, now of Lyons, Kans.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2542) pensioning Joseph A. Blair, submit the following report:

It appears from the testimony that the claimant was enlisted in Company C, Seventh Kentucky Cavalry, on or about July, 1862; that while in the discharge of his duty as a soldier, with his command at Sharpsburgh, Ky., he received a wound from a rebel sympathizer which disabled him for the performance of military duty; therefore he was never regularly mustered into the United States service.

James P. Ashley, captain of claimant's company, makes affidavit that he is personally and well acquainted with claimant, who enlisted in his company, but was never mustered in for the reason that, soon after enlistment, claimant, with two other comrades, was detailed to go to a rebel sympathizer's house near East Union, Ky., and cause him to take the oath of allegiance, but the said sympathizer resisted and threw an ax from the head of the stairs striking claimant in the face, cutting through his nose, so disabling him that he was never again fit for duty. William H. Hopkins and W. H. Howe make affidavit substantially to the same facts.

From the evidence submitted in this case it appears to your committee that the claimant was in line of duty in obedience to the command of his superior officer, and in the performance of the duty of a regularly mustered soldier when he received his disability, therefore should not be deprived on account of technicality of muster-in.

Your committee report the claim favorably and recommend that the bill do pass.

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

ORRIN DAY.

Mr. RUSSELL. I desire to call up the bill (H. R. 11604) granting pension to Orrin Day.

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-rolls, subject to the limitations and provisions of the pension laws, the name of Orrin Day, late of Company A, Third United States Artillery, with Capt. Thomas Childs, in the Florida war, 1832.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11604) granting a pension to Orrin Day, have considered the same and report as follows:

Orrin Day was a sergeant in Battery A, Third United States Artillery, and served from June 30, 1832, to June 30, 1837. He was discharged at Fort King, East Florida, where he had been rendering service in the Florida Indian war.

He filed an application in the Pension Bureau on the 16th of July, 1890, declaring that while in said service he incurred a rupture from lifting cannon and baggage wagons that had become stuck in the mud. This claim he is unable to establish, however, because he can not, through lapse of time, find any one who served with him and knew the facts.

Mr. Day is now seventy-eight years old, wholly without means of support, and unable to perform manual labor. He is in great need of immediate assistance. The claimant's condition is fully shown by the testimony of George Leavens, John Waldo, and Simon S. Waldo, citizens of Windham, Conn.

Your committee believe the case to be a just one, and they therefore 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.

CHARLES EWING.

Mr. BLISS. I ask the present consideration of the bill (H. R. 9423) for relief of Charles Ewing.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, instructed and directed to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Charles Ewing, late a member of Company D, Twelfth New York Cavalry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9423) granting a pension to Charles Ewing, submit the following report:

The claimant, Charles Ewing, served nearly three years in Company D, Twelfth New York Cavalry. He filed a claim for pension April 25, 1887, alleging rupture of the abdomen and nervous prostration. The claim was rejected by the Department because he could not prove that this disability originated in the service. This the claimant could not prove for the following reason: While on duty with his company at or near Kingston, N. C., in the month of April, 1865, he was detailed to carry an order by General Schofield, who was then engaging the enemy. He was ordered to urge his horse to the utmost. Once, while so riding and crossing a small bridge, his horse broke through the bridge, falling and throwing him headlong upon the bridge. By this accident he received a rupture of the "testicles" and abdomen of a very serious nature, and also straining the cords of his back and neck.

He avers that he did not place himself under the surgeon's care for fear of the severe operations they would perform upon him; and, it being near the close of the war, he remained with his company, doctoring himself, and was shortly after mustered out with his company. He has ample proof of the existence of disabilities from the physicians who have treated him from the year 1865 to the present time; also that of the examining board, who rate him as one-half disabled; also many of his neighbors, who have known him ever since the war, that he has never been able to do more than one-quarter of a man's work, and that he has always been placed at a great disadvantage in a struggle for a living, and that he is now in a dependent condition, sixty-five years of age, and largely depending upon his aged wife, who does washing and laundry work.

He has always been a man of good habits, was a good and true soldier, and

your committee, believing this a very meritorious claim, 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.

GEORGE S. HOWARD.

Mr. FLOWER. I ask the House to consider at this time the bill (H. R. 3080) granting a pension to George S. Howard.

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, the name of George S. Howard, late a private in Company E, Twentieth Regiment Ohio Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3080) granting a pension to George S. Howard, submit the following report:

Claimant enlisted as a private in Company E, Twentieth Ohio Infantry, April 17, 1861. Discharged August 18, 1861. Made application for pension in 1883, alleging that he contracted chronic diarrhea while in line of duty during campaign in Virginia about July 1, 1861; that he was treated in regimental hospital for said disease. Surgeon-General reports that there are no regimental hospital reports on file for the Twentieth Ohio previous to October, 1861. There are no reports of the company to which claimant belonged on file in the Adjutant-General's Office except muster-in and muster-out rolls, therefore claimant is unable to furnish any record of disability.

Two comrades belonging to claimant's company and regiment testify that claimant contracted chronic diarrhea at or near Burton Station, Va.; that he was left sick at Battery Knob, Va.; that he was continuously sick with said disease until mustered out at expiration of service, and, further, that prior to about July 1 claimant was sound and in good health. Two witnesses testify that they were near neighbors to claimant prior to his enlistment, and that he was a sound and healthy man, that when he returned home after discharge he had chronic diarrhea, which often confined him to his bed, and that the said disability continued with claimant up to the time when he went West, which was in 1870.

Several witnesses testify to the continuation of claimant's disability from 1870 to the present time. Dr. Kirby, a practicing physician in the State of Iowa, testifies that he has treated claimant for chronic diarrhea; also, Dr. Matthews makes affidavit that he has several times given claimant treatment for said disability. Notwithstanding the absence of hospital record in this case, your committee are of the opinion that there is merit in it; while the testimony does not come up to the standard required at the Pension Office as to incurrence, that fact being established by two comrades, and continuous disability since discharge warrants your committee in making favorable report; therefore we recommend that the bill do pass.

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

WARREN STAMP.

Mr. TOWNSEND, of Pennsylvania. I ask the present consideration of the bill (H. R. 5537) for the relief of Warren Stamp.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing on record against Warren Stamp, late a private in Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred House bill 5537, entitled "A bill for the relief of Warren Stamp," have had the same under consideration, and report it to the House with the recommendation that it pass.

The committee in making this report are controlled by the following reasons:

The records show that this soldier was enrolled on January 14, 1862, a private of Company I, One hundred and eleventh Pennsylvania Volunteers, to serve three years, and served with his command until he deserted on October 22, 1862, at Loudoun Heights, Virginia.

The records further show that the said Warren Stamp, under the name of John W. Thompson, was enrolled on February 26, 1864, a private in Company G, Second Ohio Cavalry Volunteers, to serve three years, and served faithfully with this organization until mustered out with it September 11, 1865.

It has been made apparent to the committee that the cause of the desertion of the said Warren Stamp was the fact that, having struck an officer, he was under arrest, and that, fearing he would be court-martialed and dealt with severely, he left the regiment in which he had originally enlisted and entered the service under another name. The cause of striking the officer was that he was struck with a sword by the officer because of some alleged misconduct on his part.

It has been further made apparent that at the time of the enlistment of the said Warren Stamp he was only fifteen years of age, and in consequence could hardly realize the penalties which would ensue to him by reason of his having deserted the service of his country.

Under date of April 25, 1889, the said Warren Stamp applied to the War Department for the removal of the charge of desertion against him. His request could not be complied with in consequence of the provisions of section 3 of the act of Congress approved March 2, 1889, which provides that if the desertion exceeds the period of four months before the second enlistment the charge of desertion can not be removed by the Department.

In view of the fact that the said Warren Stamp was so very young at the time of his desertion, and that he afterwards faithfully served in the Union Army until after the end of the war, to wit, September 11, 1865, the committee see no reason why the charge of desertion on the records of the War Department should not be removed and an honorable discharge issued to him.

The committee herewith append to this report a statement of facts submitted by the War Department bearing upon this case of the date of March 22, 1890.

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*Case of Warren Stamp, late private Company I, One hundred and eleventh Pennsylvania Volunteers, alias John W. Thompson, late private Company G, Second Ohio Cavalry Volunteers. (In violation of twenty-second, now fiftieth, Article of War.)*

RECORD AND PENSION DIVISION, *March 26, 1890.*

Warren Stamp was enrolled on January 14, 1862, a private of Company I, One hundred and eleventh Pennsylvania Volunteers, to serve three years, and served with his command until he deserted on October 22, 1862, from Loudoun Heights, Va.

Under the name of John W. Thompson he was enrolled on February 26, 1864, a private in Company G, Second Ohio Cavalry Volunteers, to serve three years, and served faithfully with this organization until mustered out with it on September 11, 1865.

Warren Stamp, under date of April 25, 1889, applied for removal of the charge of desertion against him, and testified that the reason for his desertion was his fear of being arraigned before a court-martial, he being at the time of his desertion under arrest for having struck his superior officer who had first struck him with his sword; that he was at the time of his enlistment only fifteen years of age; he afterwards enlisted in Company G, Second Ohio Cavalry Volunteers, under the name of John W. Thompson.

His enlistment in the Second Ohio Cavalry Volunteers while a deserter from the One hundred and eleventh Pennsylvania Volunteers was in violation of the twenty-second (now fiftieth) Article of War; and as such absence in desertion before his subsequent enlistment exceeded the period of four months, the provisions of section 3, act of Congress approved March 2, 1889, prohibit favorable action on his application by the War Department, and his application was accordingly rejected.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, U. S. Army,*

The SECRETARY OF WAR.

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

EMMA FULTON.

Mr. TRACEY. I desire to call up the bill (H. R. 9019) granting a pension to Emma Fulton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, instructed and directed to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Emma Fulton, widow of George Fulton, late a member of Company C, Fifth Michigan Cavalry.

The report by (Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9019) granting a pension to Emma Fulton, submit the following report:

Claimant is the widow of George Fulton, late private Company C, Fifth Michigan Cavalry, with which he served nearly three years, and who died July 1, 1877. The soldier was pensioned for injuries received in action at the battle of Cedar Creek, Virginia, October 19, 1864. This injury was caused by his horse falling upon him, breaking three ribs and contusion of chest and left side, right knee, hip, and thigh. For these injuries he was discharged the service. The surgeon's certificate cites him as crippled and forever unfit for further service.

The soldier's death was caused in the following manner: While at work in the field, he being a farmer, his injured leg was fractured by an accident, but from the fact of the previous injury the bones had become weak, unhealthy, and diseased, and would not heal, and his leg was amputated, and from the debilitated condition, caused by his former injuries, as shown by the surgeons who attended him, death resulted. Of this there is ample and uncontradicted proof.

The widow's claim was rejected upon the ground that the latter injury, breaking of his leg, was the cause of death. However, as it is so plain that this leg was very severely injured in the service and that the soldier never recovered the full use of it, it is very clear to the mind of your committee that his death was the result of the wounds for which he was pensioned.

The widow is poor and advanced in life, without means of support, and your committee believes it is a very meritorious claim and recommends its passage

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

CHARLES W. WHITNEY.

Mr. MORRILL. I ask the present consideration of the bill (H. R. 7125) granting a pension to Charles W. Whitney.

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, the name of Charles W. Whitney, late of Company I, Ninety-second Regiment United States Colored Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7125) granting a pension to Charles W. Whitney, submit the following report:

The soldier enlisted in Company G, Thirty-seventh Illinois Volunteers, September 15, 1861, and served until September 27, 1863, when he was mustered out to accept the position of first lieutenant in Company I of Ninety-second Regiment United States Colored Infantry. He served until December 31, 1865, when he was discharged at New Orleans, La. He served four years four months and sixteen days in the Army. Was a prisoner of war six months.

He claims that while at Port Hudson on detached service he contracted dengue fever, or break-bone fever, and had a very severe attack. Since then he has never been a well man. He has suffered from the effects of the disease ever since, and the disease has increased every year. He has trouble in urinating, has pains in the small of his back, left shoulder, and hips, with dull pain in his head. In the fall of 1867 he was prostrated with a severe attack of rheumatism, and a general break-down of the whole system, and was confined to the bed till the following spring, and could not do any work during the ensuing summer. Every fall since he has had a sick spell and is unable to do much work.

His claim was rejected on the ground that there was no ratable disability for dengue fever shown since filing the claim, and the disease of kidneys and rheumatism are not shown to be results. The hospital record shows that during the month of October, 1865, he was taken with dengue fever. The testimony of the colonel of Ninety-second Regiment, and Bvt. Brig. Gen. H. N. Frisbie says that he knows Charles W. Whitney, and that he among many others suffered from malaria at Port Hudson in 1865. He was in command of that port and district a good part of that year. He says:

"Lieutenant Whitney was one of my trusted officers, and so I particularly remember his sickness. He had an unusually severe attack of dengue fever. I consider it to result from malaria where we were so long after the levees broke and the greatest overflow ever known took place. Following it was an epidemic of this peculiar fever, from which I myself have twice suffered. It resulted in case of claimant in an affection of the kidneys, suppression of the urine, and rheumatism. It was a severe and dangerous case."

E. G. Dunnell, lieutenant of said regiment, says he has known claimant since 1866, and from that till 1872; resided near him, part of the time in the same house, and has seen him quite frequently. During the entire time the claimant suffered with what he called break-bone fever, chronic inflammation of the kidneys, rheumatism, and nervous debility, and in affiant's opinion was unable to perform more than one-third the labor of an able-bodied man.

William B. Gates, D. J. Whitney, and others swear to about the same state of facts. Gates says that he resided in the immediate neighborhood of claimant from July, 1872, to April, 1886, and has seen him as often as once a month during that period and that he can not perform more than one-fourth the labor of a well man.

J. S. Little, special examiner, in his report of March 8, 1890, says:
"From all the evidence I am of opinion that the claim is one of merit."
W. S. Rondsbusch, special examiner, in report of March 17, 1890, says:
"I think the claim is meritorious."
A. Downing, special examiner, in his report of March 29, 1890, says:
"From the reputation for probity of claimant and the high character of the witnesses interviewed I am led to believe the claim is meritorious."
T. N. Webber, special examiner, in his report of March 31, 1890, says:
"I believe the claim has merit."
There is no evidence of the condition of the claimant previous to enlistment, but it is fair to assume that a man who entered the service and won distinction and promotion and received the commendation of his superior officer, and continued in the performance of his duty for more than four years was an abled-bodied man when he entered the service. His impaired physical condition subsequent to discharge and through all the years subsequent thereto, his poverty, his high character for honesty and probity being such as to elicit the commendation of special examiners commissioned to look for evidence, and the conclusion of every one of them that the bill has merit, lead your committee to the conclusion that the bill is meritorious, and we therefore recommend that it do pass.

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

MARY B. COOK.

Mr. CRAIG. I desire to call up the bill (H. R. 11640) granting a pension to Mary B. Cook.

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 B. Cook, who was the widow of Henry W. Torbett, late second lieutenant of Company K, Eleventh Regiment United States Infantry.

Mr. KILGORE. It appears that this beneficiary bears a different name from her husband. I call for the reading of the report.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11640) granting a pension to Mary B. Cook, submit the following report:
That Mary B. Cook was the widow of Henry Torbett, who served as second lieutenant and finally lieutenant-colonel of the Seventy-eighth Pennsylvania Volunteers through the war 1861-1865. He was appointed second lieutenant Twenty-ninth United States Infantry May 22, 1867, and was transferred to the Eleventh Infantry April 25, 1869. He died June 8, 1871. His widow was granted a pension at $15 per month December 20, 1872.
Said widow married Dr. Cook December 25, 1883. He lived two years and died December 24, 1885.
In view of the long and faithful service of the said Lieutenant Torbett, who died in the service as a result of its hardships and exposures, the dependent condition of his former widow, her inability to earn a support, and the fact that no one is legally bound for her support, her delicate health and age and precedents heretofore in similar cases, your committee recommend that the bill do pass.

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

THOMAS A. ROWLEY.

Mr. OSBORNE. I ask the present consideration of the bill (H. R. 10418) to increase the pension of Thomas A. Rowley, late brigadier-general of United States volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Thomas A. Rowley, late brigadier-general United States volunteers, to $50 per month.

Mr. KILGORE. Let the report be read.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10418) granting an increase of pension to Thomas A. Rowley, submit the following report:
Thomas A. Rowley was a soldier in the Mexican war. He was mustered into the United States service as colonel of the One hundred and second Pennsylvania Volunteers August 6, 1861. He was promoted to brigadier-general of volunteers February 18, 1863. He commanded Third Brigade, Third Division of the Sixth Corps from November, 1862, to March, 1863, when he was placed in command of First Brigade, Third Division, First Corps, until July 3, 1863, when wounded at Gettysburgh, Pa. He had also been wounded in the head at Fair Oaks May 31, 1862.
He occupied various important and responsible positions until his resignation December 23, 1864. He was granted a pension of $7.50 per month February 14, 1870, increased to $15 March 19, 1884, and increased by special act $10 per month June 24, 1886.
He suffers from his wounds, which also affect his eyesight. About two years ago he met with an accident on a railroad which crippled him and he is very lame. He is in very limited circumstances, and is dependent on his pension.
In view of the faithful service of this soldier, his age, which is eighty years, and his suffering condition, 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.

HANNAH B. SHEPHERD.

Mr. HENDERSON, of Illinois. I ask the present consideration of the bill (H. R. 12012) granting a pension to Hannah B. Shepherd.

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 Hannah B. Shepherd, dependent mother of Henry J. Shepherd, late a private in Company E, Ninety-sixth Regiment of Ohio Volunteer Infantry, at the rate of $12 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12012) to grant a pension to Hannah B. Shepherd, submit the following report:
Hannah R. Shepherd is the mother of Henry J. Shepherd, who enlisted in Company E, Ninety-sixth Regiment Ohio Volunteers, August 2, 1862, was discharged in 1865, and died of disease of lungs October 25, 1871. The mother's claim has been rejected on the ground that soldier left surviving him a widow to whom he was married on his death-bed. The widow has long since remarried and there is no one drawing any pension on account of said soldier's death.
The evidence clearly shows that the soldier's death cause was directly chargeable to malarial poisoning of an aggravated type, from which he suffered during service, and a hacking cough which developed before discharge.
It is also shown that before enlistment, during service, and after discharge, he made ample provisions for the comfortable maintenance of his mother, but his death has cut off this avenue of support, and having no property or income from any source, she is now dependent upon others not legally bound in her support.
The case comes within a well established rule of Congress to grant relief to the poor and aged parents of those who lost their lives in the service of their country, and the committee therefore report favorably on the accompanying bill and ask that it do pass.

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

JOHN LINDT.

Mr. REED, of Iowa. I desire to call up the bill (H. R. 4254) granting a pension to John Lindt.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, empowered and directed to place on the pension-roll the name of John Lindt, late a private in Company B, Independent Regiment Light Artillery, Pennsylvania Volunteers, and that he be rated at $12 per month from January 1, 1885.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4254) granting a pension to John Lindt, submit the following report:
The claimant filed an application for pension for disability, caused by injury to his hearing, and rheumatism. His claim was rejected on the ground that he had not established the incurrence of the disabilities in the service. He showed by evidence other than his own the existence of the disabilities, but he was not able to furnish any testimony except his own that the disabilities were the result of his service.
He was a private in Company B, Independent Regiment Pennsylvania Volunteers. He testified that in one of the actions during the Atlanta campaign, in 1864, the gun with which he served was placed in action in a gap or narrow valley between two high hills, and that the concussion caused by the firing of the gun injured one of his ears, and that the injury has constantly grown worse since his discharge from the service, and that he is now able to hear but little in that ear.
The fact of the occurrence of the injury is necessarily within his exclusive knowledge. It was not of such serious character as to demand medical treatment at the time. He is shown to be a man of good repute and worthy of credit, and your committee think his testimony ought to be accepted as sufficient to establish the occurrence of the injury. The disabilty, although serious, does not disable him from earning a livelihood by manual labor, so that he can not be pensioned under the act approved June 27, 1890.
The committee recommend that the bill be amended by striking out the word "and" in the sixth line, and all the seventh and eighth lines, and by inserting the following: "Subject to the provisions and limitations of the pension laws," and that as so amended it be passed.

The amendment recommended by the committee was read and agreed to.

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

GEORGE EVERTS.

Mr. LACEY. I desire to call up the bill (H. R. 8124) granting a pension to George Everts.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension-roll the name of George Everts, late of Company A, Fifteenth Iowa Infantry Volunteers, the said pension to be subject to the limitations of the general pension laws at the rates to be established by the usual examination.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8124) to pension George Everts, submit the following report:
George Everts, Company A, Fifteenth Iowa Infantry Volunteers, filed his claim No. 606803 for an invalid pension. House bill 8124 is supported by a petition signed by a very large number of his neighbors, in which the merit of his claim and his necessity for a pension are vouched for. The petition states his inability to furnish the proof required by the rules of the Pension Bureau as to the origin of his disability.
C. H. T. St. Clair has filed an affidavit with the committee in which he states that the claimant is old and broken down in health and suffering from heart disease, disease of the spine, and rheumatism; that he is confined to his bed a part of the time each day. The claimant states that his diseases were contracted from hard marching and exposure on march at Black River, Miss., in the spring of 1864.
The surgeon's certificate of the board of examiners at Fairfield, Iowa, states that the disability of the soldier is total.
Rufus A. Eno testifies to his acquaintance with the soldier since 1881, and describes his disability substantially the same as said St. Clair.
E. F. Williams, another neighbor, who has known the claimant from 1876 and had opportunities to know him, states the disability to have been continuous.
Dr. J. C. Millikin also testifies as to the disability in 1882.
The records of the War Department show the sickness of the soldier in Marietta, Ga., in July, 1864, and to February, 1865; and absent, sick, in February, 1865; sick in May, 1861; had diarrhea in July, 1864.
Charles Bailey testifies that he knew the soldier in 1873, when he was suffering from disease, but does not clearly state the nature of the disease.
A further record of the War Department on file shows that the soldier suffered from remittent fever, chronic diarrhea, acute diarrhea in 1864, and in 1865 chronic hepatitis.
His continuous sickness during the last two years of his service, and his subsequent illness, as shown by the affidavits on file, clearly indicate that his army service has produced his present condition of health in whole or in part.
The soldier is greatly disabled and his case is an extreme one, so that the liberal provisions of the disability act are inadequate, as his disability was evidently contracted in the service, although the proof is not clear enough to entitle him to pension under the old law.
Owing to the extent of his disability, we deem the new law inadequate and recommend the passage of this 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.

JESSE G. HAMILTON.

On motion of Mr. KILGORE, by unanimous consent, the bill (H. R. 7928) granting a pension to Jesse G. Hamilton was considered.

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 Jesse G. Hamilton, late of Company B, Twenty-first Indiana Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7928) granting a pension to Jesse G. Hamilton, submit the following report:

The claimant enlisted in Company B, Twenty-first Indiana Heavy Artillery, on the 24th day of July, 1861. Discharged by reason of hernia, April 1, 1862. Filed declaration for pension March 27, 1869, alleging that at Newport News, Va., about March 1, 1862, while lifting a log to build a fire, he incurred rupture of right side. Declaration filed April 3, 1880, alleges that from carrying a heavy log for fire-wood at the hospital near Newport News, Va., in March, 1862, he received a rupture of the right side. This case was finally rejected after a lengthy special examination. Reason stated, the evidence is insufficient to overcome the adverse record, but strongly tends to prove that claimant was slightly ruptured at date of enlistment.

The fact of existence of disability at discharge is established beyond doubt; therefore rejection was based principally upon the hypothesis that disability existed at enlistment. Ezra Read, surgeon Second Indiana Volunteers, who signed claimant's certificate of disability for discharge, made the remark on said certificate that disability existed at time of enlistment. Dr. Salem A. Tilford, president of the examining board at Martinsville, Ind., states that before the war he had frequently given claimant and family treatment, and in his opinion claimant was a sound man and free from hernia when he enlisted in the service.

Dr. Wilhite, a practicing physician for twenty-eight years, testifies that he knew claimant before his enlistment; that he was a sound man; that the fall and winter of 1861 he was in the hospital at Baltimore with claimant, they both being nurses; that about March, 1862, they went to Newport News; that claimant was cook and nurse in hospital; that soon after arrival at Newport News claimant became ruptured by lifting a heavy log.

Ten or twelve witnesses testify that claimant was a sound man to all appearance before enlistment, and was performing heavy and laborious work prior to enlistment. Special Examiner Cox says claimant has excellent reputation for truth and veracity, is broken down physically, and financially destitute, believes the claim has merit, and recommends further examination. Special Examiner McCoy finds claimant to have good reputation in Indiana, where he enlisted; that all the witnesses which he examined except one believed claimant was sound at enlistment. He also recommended further examination.

From the large amount of testimony showing that claimant was sound at and prior to enlistment your committee are inclined to give him the benefit of the doubt, with favorable report recommending that the bill do pass.

Mr. FLOWER. What is the rate of pension?

The SPEAKER *pro tempore*. Subject to the provisions and limitations of the pension laws.

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

ELIAS D. THOMPSON.

On motion of Mr. NUTE, by unanimous consent, the bill (H. R. 11173) to increase the pension of Elias D. Thompson was considered.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Elias D. Thompson, of Company F, First Louisiana Volunteers in the Mexican war, a pension of $30 per month in lieu of the pension he is now receiving.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11173) granting an increase of pension to Elias D. Thompson, have considered the same and report as follows:

Mr. Thompson was a corporal in Company F, First Louisiana Volunteers, Mexican war, and served as such from May 7 to July 27, 1846. He is now in receipt of a pension at the rate of $8 per month under the Mexican-service act of January 29, 1887.

The applicant is now nearly seventy-eight years old and so badly afflicted with chronic rheumatism as to require the constant attendance of a nurse. The disease has resulted in much deformity and rigidity of the joints, and he has been unable to do any manual labor for years. He stands in much need of the increase prayed for.

The facts are substantiated by the testimony of Dr. George W. Benson and Dr. J. Harvey Hill, both of Baltimore, Md.

The passage of the bill is respectfully recommended.

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

CHARLES H. VANDERVOORT.

On motion of Mr. DE LANO, by unanimous consent, the bill (H. R. 4870) to relieve Charles H. Vandervoort of the charge of desertion was considered.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on the said rolls and records against Charles A. Vandervoort, late of Company A, Second Regiment New York Heavy Artillery Volunteers, and, when so removed, that the said Charles A. Vandervoort be restored to all rights lost or suspended by the said record.

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

JEREMIAH M. SIDWELL.

On motion of Mr. FLOWER, by unanimous consent, the bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell was considered.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah M. Sidwell, of Spring Arbor, Mich., late a private in the Indiana Home Guards, said Sidwell having been wounded at the battle of Panther Creek, Kentucky, while serving in the Army of the United States.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell, submit the following report:

This claimant made an application for pension in the proper way and was rejected by the Department, as the regiment in which he served was a State organization and not mustered into the United States service.

It appears from the evidence on file with this claim that he served with the Fourth Indiana Legion, a regiment of home guards, and that his regiment was ordered out of the State and to the State of Kentucky, where, in a skirmish with the enemy, he received a gunshot wound in left leg. Upon this point the evidence seems conclusive, and your committee, believing the claim a just and proper one for Congress to act upon, 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.

JOSEPHINE S. HANSEL.

On motion of Mr. CHEADLE, by unanimous consent, the bill (H. R. 10742) granting a pension to Josephine S. Hansel (late Wilson) was considered.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place upon the pension-rolls of the United States the name of Josephine S. Hansel (formerly Wilson), widow of James Wilson, late of Company K, Twenty-eighth Regiment Iowa Infantry Volunteers, at the rate of $12 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10742) granting a pension to Josephine S. Hansel (late Wilson), submit the following report:

Josephine S. Hansel was the widow of James Wilson, of Company K, Twenty-eighth Iowa Infantry Volunteers, who died in the United States service; that said widow forfeited her right to pension by remarriage with Cephas J. Hansel; that the said Hansel is now dead, and she is left in destitute circumstances, and that she is the proper subject of the bounty of the Government, and we 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.

MARGARET HAWKINS.

On motion of Mr. GEST, by unanimous consent, the bill (H. R. 8119) to grant a pension to Margaret Hawkins was considered.

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 the name of Margaret Hawkins, widow of William Hawkins, who was a private in Capt. Alexander M. Houston's company of Illinois Mounted Volunteers in the Black Hawk war, and pay her a pension of $20 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8119) granting a pension to Margaret Hawkins, have considered the same and report:

The claimant's late husband, William Hawkins, was a private in Capt. Alexander M. Houston's company of Illinois Mounted Volunteers in the Black Hawk war, and was honorably discharged therefrom August 15, 1832.

It is shown that the soldier died February 12, 1890, and that his widow is poor, old, and feeble. Her age is about seventy-four years, and she is so much afflicted with palsy as to require almost constant care and attention from others.

The claimant's husband was in receipt of a pension at the rate of $20 per month at the time of his death, the same having been granted him by special act at the second session of the Fiftieth Congress.

Your committee regard the case as a meritorious one, and therefore favorably report 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.

BAZEL LEMLEY.

On motion of Mr. ALLEN, of Michigan, by unanimous consent, the bill (H. R. 9400) granting a pension to Bazel Lemley was considered.

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 of the United States the name of Bazel Lemley, late a member of Company I, Eighth Pennsylvania Reserve Corps, subject to the provisions and limitations of the pension laws.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9400) granting a pension to Bazel Lemley, submit the following report:

That claimant enlisted July 15, 1861, in Company I, Eighth Pennsylvania Reserve Corps, was transferred to Company H, One hundred and ninety-first Pennsylvania Volunteers, June 30, 1864, and was discharged June 28, 1865.

His claim for a pension was filed September 18, 1879, for gunshot wound of right shoulder received at battle of the Wilderness May 6, 1864, and heart disease, which claim was rejected on medical grounds that there has been no disability from alleged wound of shoulder, and that the disease of heart is not the result of said wound, and inability to satisfy the Pension Office with evidence of incurrence of heart disease.

There is abundant evidence of prior soundness both by family physician and neighbors. Dr. G. W. Mass, the family physician, thinks he would have known it if he had heart disease, and thinks he was free from any functional disease of same.

There is evidence quite satisfactory of the wound having been received in battle as stated.

There is lay testimony of the contraction of heart disease in the service, but the Pension Office refused to consider it conclusive.

Dr. G. W. Mass testifies that when claimant returned from the Army in the summer of 1865 he had functional disease of the heart, and it produced frequent attacks of syncope and to a very great extent disqualified him from manual labor. In addition to this a number of respectable witnesses testify to his having heart disease on his return from the service. His neighbors generally unite in giving him an excellent character.

This case was specially examined in the field and by the examiner recommended for admission.

Your committee, in view of all the circumstances, his long service and his wound, think it reasonable to give him the benefit of the doubt and recommend the passage of the bill, amended by adding after word "corps" the words "transferred to Company H, One hundred and ninety-first Pennsylvania Volunteers."

The amendment recommended by the committee was adopted.

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.

MARK F. CARTER.

Mr. TRACEY. I ask unanimous consent to discharge the Committee on Pensions from the further consideration of the bill (S. 573) granting an increase of pension to Mark F. Carter and put it upon its passage.

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 pay to Mark F. Carter, late a member of Company E, Second Regiment of Iowa Volunteer Infantry, a pension at the rate of $50 a month, in lieu of that which he now receives, to take effect from and after the passage of this act.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

FRANC E. BABBITT.

On motion of Mr. O'DONNELL, by unanimous consent, the bill (H. R. 2434) granting a pension to Franc E. Babbitt was considered.

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 Franc E. Babbitt, sister and heir of George S. Babbitt, late lieutenant-colonel of the Twenty-third Regiment Indiana Infantry, the pension of said Franc E. Babbitt to be fixed at the rate of $30 per month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2434) granting a pension to Franc E. Babbitt, submit the following report:

Franc E. Babbitt is the sister of George S. Babbitt, late lieutenant-colonel of the Twenty-third Indiana Infantry.

Colonel Babbitt entered the service as a captain, and remained until the close of the war; he ran the blockade at Vicksburg as volunteer commander of the J. W. Cheeseman, manned by a volunteer crew from his company, remaining under fire for six hours, and the vessel was struck many times by cannon-balls and grape, canister, and musketry beyond mention; the consort of the Cheeseman was relieved and rescued.

Colonel Babbitt took part in all the battles under Grant, beginning at Belmont and ending at Vicksburg; he was in the battles about Atlanta; marched with Sherman to the sea. He contracted pulmonary disease in the Army and died, after a lingering consumption, June 22, 1869. He was never married; his mother died when he was a babe, and his father while he was a small boy. The sister was a mother to the boy and raised him. When he grew up he contributed to his sister's support until he became unable to do any kind of work. She is the heir at law; she cared for him in infancy and during his long illness. The soldier would not apply for a pension during his lifetime. The sister is sixty-five years of age, broken in health from her long care of the gallant soldier; she is without income, being dependent upon her exertions.

General Gresham, on whose staff the soldier served, in a letter to Mr. O'Donnell, the author of the bill, testifies to the services of Colonel Babbitt as a faithful and valuable officer; he approves the proposition to have the sister pensioned by act of Congress. General Lew. Wallace, who served with the soldier, also favors such action.

In view of these facts, and as it has become customary to grant pensions in cases of this nature, 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.

URIAH J. O'NEIL.

On motion of Mr. CUMMINGS, by unanimous consent, the bill (H. R. 5687) for the relief of Uriah J. O'Neil was considered.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause the removal of the charge of desertion from the record of Uriah J. O'Neil, late Company B, Fifty-ninth New York Infantry.

The report (by Mr. SNIDER) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5687) for the relief of Uriah J. O'Neil, having considered the same, respectfully report:

That they have carefully examined the evidence submitted in this case and believe the soldier entitled to relief asked.

They recommend the bill do pass.

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

SARAH H. PHILP.

On motion of Mr. CUTCHEON, by unanimous consent, the bill (H. R. 11243) granting a pension to Sarah H. Philp was considered.

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 put the name of Sarah H. Philp, widow of Thomas Kinrade, late a member of Company K, Second Ohio Cavalry, on the pension-roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11243) granting a pension to Sarah H. Philp, submit the following report:

Sarah H. Philp was the wife of Thomas Kinrade, a member of Company K, Second Ohio Cavalry, and who died from injuries received in line of duty April 3, 1862. She was granted a pension by certificate 5631, which was paid to her until March 9, 1864, when she married William Philp, with whom she lived until his death several years ago, since which time she has remained a widow and has supported herself by teaching. She has no other means of support and is now advanced in years.

Your committee therefore recommend that her name be restored to the pension-roll, subject to the provisions and limitations of the pension laws.

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

BENJAMIN SCRAM.

Mr. WICKHAM. I ask unanimous consent that the Commitee on Pensions be discharged from the further consideration of the bill (H. R. 11027) granting a pension to Benjamin Scram.

Mr. MORRILL. Mr. Speaker, this is a dangerous practice without some explanation or report. If this is a Senate bill the report ought to be read; if a House bill some explanation should be given.

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

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 Scram, late a private in Colonel Thompson's regiment in the Black Hawk war, at the rate of $12 per month.

Mr. WICKHAM. I move that the word "twelve," in line 7, be stricken out and "eight" inserted.

The facts are that this man was wounded in the Black Hawk war, is now an aged man, and needs the money he gets from his pension.

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

Mr. MORRILL. The chairman of the Committee on Pensions is here, and I would like to ask if he has examined the bill and knows anything about it.

Mr. DE LANO. I have examined the bill during this day, and it is the custom of the committee to report favorably upon such bills.

There being no objection, the bill was considered, the amendment 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.

OWEN T. GALE.

Mr. BAKER. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 11916) for the relief of Owen T. Gale, alias Thomas Mott.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized and directed to cancel the record of desertion now resting against the name of Owen T. Gale, alias Thomas Mott, as of Company E, Eighty-first Regiment of New York Volunteers, and issue to him an honorable discharge in his favor.

Mr. BAKER. In this connection I desire to print the record of the War Department and the affidavits relating to the case, in lieu of the formal report.

The documents referred to are as follows:

WAR DEPARTMENT, *Washington City, May 22, 1890.*

SIR: Referring to the application for removal of the charge of desertion and for an honorable discharge in the case of Owen T. Gale, alias Thomas Mott, as of Company E, Eighty-first Regiment New York Volunteers, I am directed by the Secretary of War to inform you that, upon a careful consideration of the additional testimony presented by you, nothing is found to justify a reversal of the former adverse decision in the case, and the application is, therefore, again denied.

Very respectfully,

F. C. AINSWORTH.
*Captain and Assistant Surgeon, U. S. A.*

Mr. H. E. HAMMON,
*Attorney, Rochester, N. Y.*

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WAR DEPARTMENT, *Washington City, July 30, 1890.*

SIR: In returning herewith a letter addressed to you and by you referred to this Department (received on the 26th instant), having reference, apparently, to a removal of the charge of desertion against Thomas Mott, a former member of Company E, Eighty-first New York Volunteers (whose true name it is alleged is Owen T. Gale), I am directed by the Secretary of War to inform you that the official records show that this soldier was enrolled October 4, 1861, to serve three years; that on June 18, 1863, he was granted a furlough for twenty-five days, from which he never returned, and was accordingly reported as having deserted July 18, 1863, although the actual date of desertion was July 13, 1863.

As it appears from the letter of your correspondent that the only ground for his failure to return was because his mother threatened him with arrest if he did so, there is no provision of law under which the Department can afford him any relief.

Very respectfully,

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

Hon. CHARLES S. BAKER,
*House of Representatives.*

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*General affidavit.*

STATE OF NEW YORK, *County of Monroe, ss:*

In the matter of removal of charge of desertion, case of Owen T. Gale, Company E, Eighty-first New York Infantry.

On this 7th day of August, A. D. 1890, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Owen T. Gale, aged forty-four years, a resident of Brockport, in the county of Monroe and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he is the man who enlisted under the name of Thomas Mott in the above-named organization; that the affiant changed his name at the instance of comrades to elude pursuit by his parents at the time of his enlistment, as he was a minor; that he served said organization faithfully for two years, and was pro-

moted for bravery; that affiant drew a furlough by lottery and came home to visit his parents; that his father had died during his absence, and that his mother threatened him with arrest if he attempted to return to the Army; that he never returned nor tried to evade arrest; that this application is made for the purpose of being restored to citizenship, and is not in any way designed to secure either a pension, or bounty, or any pay whatever other than an honorable discharge, which will restore him to citizenship and entitle him to the benefits of a soldiers' home.

OWEN T. GALE.

STATE OF NEW YORK, *County of Monroe, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further testify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.] DELBERT A. ADAMS,
*Notary Public in and for Monroe County, New York.*

*General affidavit.*

STATE OF NEW YORK, *County of Monroe, ss:*

In the matter of Owen T. Gale, late private Company E, Eighty-first New York Infantry, for removal of charge of desertion.

On this 12th day of August, A. D. 1890, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Owen T. Gale, aged forty-four years, a resident of Brockport, in the county of Monroe and State of New York, whose post-office address is Brockport, N. Y., well known to me to be respectable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is the veritable Owen T. Gale who enlisted under the name of Thomas Mott as heretofore described. That by reason of the opposition exercised by his said mother, late deceased, as also of his two sisters, Mary J. Berry, now of Brockport, N. Y., and Margaret S. Eifler, now of Flatonia, Fayette County, Texas, he was prevented from returning to his command. That had he exercised his own will he certainly should so have done. That the tears and entreaties of his mother and two sisters, coupled with the final threat of his summary arrest by his mother, decided him to reluctantly yield under protest, and for which he is now, as he was then, heartily sorry and mad at himself to think that he did not force the issue, even to resistance. That his age at time of his enlistment was sixteen years. That he has stated the exact truth as to age, which possibly might be verified by a journey to Albany, N. Y., in the archives of the old Catholic rectory of St. Mary's in said city, if in existence. That affiant has not sought, neither does he seek, bounty or pension, but restoration to citizenship that he may, if occasion demands, find a resting place in some soldiers' home before his final crossing to the other side.

OWEN T. GALE.

STATE OF NEW YORK, *County of Monroe, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a credible person.

[SEAL.] DELBERT A. ADAMS,
*Notary Public in and for Monroe County, New York.*

*General affidavit.*

STATE OF NEW YORK, COUNTY OF MONROE, *ss:*

In the matter of Owen T. Gale, alias Thomas Mott.

On this 12th day of August, A. D. 1890, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Mary J. Berry, aged forty-eight years, a resident of Brockport, in the county of Monroe and State of New York, whose post-office address is same, well known to me to be respectable and entitled to credit; and who, being duly sworn, declares in relation to the aforesaid case as follows:

That she has been well and personally acquainted with Owen T. Gale for forty years and over, and that she is the sister of said Gale, alias Thomas Mott, late of Company E, Eighty-first New York Infantry; that her said brother Owen T. Gale ran away from home and enlisted in said company and regiment under the said alias of "Mott," and that this occurred at Waterville, Oneida County, New York, and on or about ——.

That at the expiration of two years, or thereabouts, said brother came home on furlough, a soldier with his chevrons on as a non-commissioned officer in said company and regiment; that her mother, late deceased, was of course overjoyed to see her son, the said brother, Owen T. Gale.

That her mother and affiant, as also affiant's sister Margaret, then and there determined that said brother Owen T. Gale should never be permitted to re-return to the Army, furlough or no furlough.

That the mother sought legal counsel, and was informed that minority without consent was an effectual bar to his said enlistment, and that she, his said mother, had the primary right to interpose said plea in his own behalf, claiming the jurisdiction of parental authority, which said interposition would be an effectual bar upon said grounds, as provided by statute, she being a dependent widow and mother.

That the said Owen T. Gale protested to the point of rebellion. That her said mother argued and entreated, which said argument and entreaties were skillfully parried by said son, who pictured to his mother, and the two sisters aforementioned as well, the glowing glories of the "tented field."

That further promotion awaited him, and that he had only to stretch forth his hand to be a commissioned officer.

That the said mother resisted all entreaties and finally interposed the ultimatum that any attempt to leave again for the war would be speedily followed by his arrest and imprisoned by her, saying that she needed his help and demanded it, that if he went back he would be killed anyway, and that this must be an end of all argument, as the parental *ipse dixit* was final.

That affiant concurred heartily with the authority which her said mother exercised, as did also her sister Margaret, next younger than herself, the affiant.

That said sister Margaret and affiant held many secret consultations in which many and various schemes were evolved and put in execution for a most complete and perfect system of espionage over said brother.

THIRD GENERAL AFFIDAVIT.

That affiant has every reason to believe, and none to doubt, that said brother would never have allowed said furlough to have lapsed and become vitiated except upon compulsion and restriction. That said compulsion and restriction were imposed by her said mother, who is now dead and gone, together with herself, the affiant, and her said sister Margaret, above mentioned.

That the subject-matter as above related by affiant was a sacred family secret and was only known and talked of between the four persons named, mother, son, and two daughters, which for obvious reasons was never hinted or breathed outside; hence the inability to furnish outside evidence. Her post-office address is Brockport, N. Y.

MARY J. BERRY.

STATE OF NEW YORK, *County of Monroe, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that she is a credible person.

[L. S.] DELBERT A. ADAMS,
*Notary Public in and for Monroe County, New York.*

*General affidavit.*

STATE OF TEXAS, *County of Bexar, ss:*

In the matter of Owen T. Gale, alias Thomas Mott.

On this 18th day of August, A. D. 1890, personally appeared before me, a clerk of a court of record in and for the aforesaid county, duly authorized to administer oaths, Margaret S. Eifler, aged thirty-seven years, a resident of Flatonia, in the county of Fayette and State of Texas, well known to me to be respectable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That she has been well and personally acquainted with said Gale always, and that she is the sister of Owen T. Gale mentioned above; that the affiant distinctly remembers of the return of her said brother, Owen T. Gale, from the war. She also remembers the opposition which her mother made to his returning to the said regiment at the front.

That by reason of said opposition, coupled with the determined opposition of herself and sister Mary J. Berry, now of Brockport, N. Y., may be attributed the prevention of the return of her said brother to the front at the time he came home on furlough, and most certainly not because he did not wish to return.

That said brother would certainly have returned, as he was a born soldier and talked continually of the chances of promotion.

That it was a sore and grievous disappointment to him to meet with the bitter opposition he did from his mother and sisters for his return.

That it was a family secret, which was only known to his mother, sister, brother, and self, and was never talked of outside the family circle.

MARGARET S. EIFLER.

STATE OF TEXAS, *County of Bexar, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that she is a credible person.

THAD. W. SMITH,
*Clerk County Court, Bexar County, Texas,*
By R. C. SYMINGTON, *Deputy.*

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

JAMES A. UNDERWOOD.

Mr. PETERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2537) to increase the pension of James A. Underwood.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of James A. Underwood, late of Company B, Eighth Indiana Volunteer Infantry, to $30 per month.

Mr. KILGORE. Let us have the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2537) to increase the pension of James A. Underwood, submit the following report:

Claimant's pension was increased to $30 by special act of Congress in 1886. The Committee on Invalid Pensions submitted the following report at that time, which is adopted by your committee as a part of this report:

"We find that claimant enlisted August 20, 1861, in Company B, Eighth Indiana Volunteers, and was discharged September 14, 1863.

"February, 1864, he applied for a pension for loss of left arm at battle of Vicksburg, which was granted, and for which he is now receiving a pension of $24 per month.

"May 22, 1885, he applied for an increase on account of chronic diarrhea and erysipelas, which was rejected on the ground that the combined disabilities were not equal to total inability to perform manual labor. Two of his neighbors swear that he is unable to perform any manual labor whatever. December 4, 1876, Dr. W. W. Spiers, United States medical examiner, says:

"'I find that left forearm has been amputated at upper third; considerable sloughing has occurred from gangrene, leaving a stump with very tender cicatrix. Claimant states that two years ago an eruption broke out on his left arm and spread all over his body; continued nine weeks; was confined to his bed four weeks; muscles of leg were contracted; went on crutches for awhile. Last August eruption came out on biceps muscles of left arm; lasted two weeks; comes out in warm weather. I find no eruption now. I think it is not erysipelas, but a vesicular eruption resulting from chronic diarrhea. His gums are badly eaten by scurvy. There is not much emaciation, but his weight is some less than it ought to be. Rated total third grade for loss of arm and $4 for diarrhea.'

"June 24, 1885, the examining board at Ellsworth, Kans., report him suffering with chronic diarrhea, and recommend $4 per month in addition to his pension for loss of arm. The evidence shows that he is at times confined to his bed for weeks with chronic diarrhea and the resulting eruptions, which he calls erysipelas. The man is a complete wreck, and it would seem that the evidence would entitle him to the full rating given to those totally disabled for the performance of manual labor. The examining boards recommend $28 per month. There is no such rating provided by law. Your committee recommend the passage of the bill."

Your committee would further state that the evidence shows a decided increase in claimant's disabilities, the chronic diarrhea developing in hemorrhoids causing frequent loss of blood; also fistula in ano of severe form. The combined disabilities without the loss of arm would be sufficient to totally incapacitate the claimant for the performance of any manual labor. As claimant's present rating was fixed by special act, his pension can not be increased by the Bureau of Pensions. Therefore, in view of the above facts, your committee make favorable report and recommend that the bill do pass.

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

MRS. RACHEL WRIGHT.

Mr. STOCKBRIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7786) granting a pension to Mrs. Rachel Wright.

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. Rachel Wright, mother of Charles Wright, late a teamster in the United States Army; said pension to commence from the date of his death.

The committee recommend the following amendment:

In line 8, after the word "of," strike out the words "his death" and insert in lieu thereof "approval of this act, at the rate of $12 per month."

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7786) granting a pension to Mrs. Rachel Wright, submit the following report:

Charles H. Wright, designated as Charles Wright in the bill H. R. 7686, entered the service of the United States during the autumn of the year 1862 as a teamster in the Quartermaster's Department of the United States Army. On the 26th day of November, 1863, while gathering up the dead and wounded from a field of battle in Fairfax County, Virginia, he was made a prisoner by the enemy, and held and confined as a prisoner of war at Richmond, Va., and afterwards at Andersonville, Ga., where he died on the 4th day of August, 1864, of disease resulting from his imprisonment.

The deceased prisoner was the oldest son of Rachel Wright, the claimant for pension, and she was dependent upon him for support, her other children being infants from four to eleven years of age. The claimant was a widow at the time her son entered the service of the United States, and she has ever since remained unmarried. She is now sixty-four years of age, and by reason of the imprisonment and death of her son she was at times in great distress and suffered from want of the necessaries of life. The deceased left no widow or children, never having been married. Applicant has no means with which to support herself.

The fact of the deceased's capture and death are shown by the records of the War Department, as appears by a communication therefrom among the papers on file in this claim.

The committee therefore recommend the passage of the bill, amended, however, by striking out the words, in line 8, "his death," and inserting in lieu thereof the words "approval of this act, at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

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

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to print in the RECORD a few remarks upon the pension bill of the widow of General George B. McClellan.

There was no objection.

MARY A. IRVIN.

Mr. RIFE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8779) granting a pension to Mary A. Irvin, widow.

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. Mary A. Irvin, widow of William Irvin, late private Company G, First Louisiana Cavalry.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8779) granting a pension to Mary A. Irvin, submit the following report:

That Mary A. Irvin was married to William Irvin in 1865. William Irvin enlisted in Company G, First Louisiana Cavalry, March 30, 1864, and was discharged March 11, 1865. He was immediately pensioned, which was at time of his death, April 22, 1888, at the rate of $24 for disease of heart and dropsy. His death was the result of this disease. Mrs. Irvin applied for a pension, but was refused upon the ground that she had been previously married.

The evidence shows that when quite young she had married one Samuel P. Seibert, a minor; that his father threatened prosecution of the officiating minister, who advised her to consent to a peaceable separation. The father of the boy took him home to another county within five days of the marriage, and she, the claimant, assumed her maiden name. That her father in 1863 moved from her home in Perry County, Pennsylvania, to Illinois. She went with him and married William Irvin. That she lived with him as his wife, bore nine children to him, cared for them and him as his loyal wife, and nursed him in his long sickness until he died in 1888. She supposed her infant marriage was null and void always, and never doubted she was Irving's true wife until she made pension claim. That Samuel P. Seibert also, about 1865, married another woman, and at last account of him was living.

Your committee recommend the passage of the bill, in accordance with abundant precedent in similar cases.

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

BELINDA JANE PHILLIPS.

Mr. KILGORE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9583) pensioning Belinda Jane Phillips.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be directed to place on the pension-roll the name of Belinda Jane Phillips, imbecile daughter of Isaiah Phillips, late of Company F, Thirtieth Iowa Volunteer Infantry, and pay her a pension of $8 per month, and that the same be paid to and upon the order of Hannah Johnson, of Santa Fé, Kans., who is the natural mother of said imbecile daughter.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9583) granting a pension to Belinda Jane Phillips, submit the following report:

Belinda Jane Phillips is the daughter of Josiah Phillips, late of Company F, Thirtieth Iowa Volunteers. Her father died at Vicksburg, February 20, 1863, while in the service. Her mother remarried October 18, 1874.

The claimant drew a pension as the minor child of said soldier until she arrived at the age of sixteen years. She is now twenty-seven y ars old and is, and has been since her birth, deformed, imbecile, and wholly dependent upon others for support. Since the time of the discontinuance of her pension no one has been receiving a pension on account of said service of Josiah Phillips.

The affidavits of the mother and of two persons who have known the daughter, and are acquainted with the facts, fully substantiate the report.

Your committee therefore recommend the passage of the bill, amended as follows: Strike out all after the word "pay," in line 6, and insert "to her legally constituted guardian for her use a pension at the rate of $18 per month."

The amendment recommended by the committee was agreed to.

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

ANNA S. SHUMAN.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11641) granting a pension to Anna S. Shuman.

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 the name of Anna S. Shuman, late a nurse in the war of the rebellion, and pay her a pension at the rate of $12 per month.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11641) granting a pension to Anna S. Shuman, submit the following report:

Anna S. Shuman, shortly after the breaking out of the late war, took upon herself to render aid to the sick and wounded soldiers at the different hospitals in Washington City, and by her labor and contributions aided much toward their relief and comfort, until in August, 1864, she was regularly appointed a nurse by Miss Dix, and assigned to duty at the general hospital at Fortress Monroe, Va.

She faithfully performed her duties in that overcrowded hospital until her health failed, when on March 28, 1865, she received an order from Miss Dix to report to Washington under a sick leave granted her by Surgeon McClellan, as appears from the original order before your committee.

Since leaving the service her only source of income has been that derived from nursing the sick, but being now well advanced in years and still suffering from disease contracted in the service she will be unable before very long to provide for her support by her own labor, and there being no one legally bound to aid in her maintenance, must become an object of charity, unless the Government comes to her assistance.

Your committee therefore recommend favorable action on the bill.

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

EMILY P. COLLINS.

Mr. SIMONDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7879) granting a pension to Emily P. Collins.

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 Emily P. Collins, of Hartford, Conn., and grant her a pension of $8 a month.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Collins," insert the words "an army nurse."

Also in line 7 strike out the word "eight" and insert in lieu thereof the word "twelve."

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7879) granting a pension to Emily P. Collins, submit the following report:

The claimant was a volunteer army nurse at the hospital in Martinsburgh, Va., from May, 1864, until late in the fall of the same year, where she performed faithful service in nursing large numbers of sick and wounded soldiers.

Claimant had two sons who did faithful service in the war, one as surgeon, the other as lieutenant and who was severely wounded and died from the same subsequently.

Mrs. Collins was the daughter of a brave soldier of the Revolutionary war.

She alleges that no one is now receiving a pension on account of these services to the country. She is now seventy-five years of age, has been a widow for fifteen years, and is now without adequate means of support.

Your committee recommend the passage of the bill with the following amendments: After the name insert "an army nurse," and change the word "eight," in the last line, to "twelve."

The amendments recommended by the committee were agreed to.

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

CHRISTIAN PAPE.

Mr. MORRILL. I ask unanimous consent for the present consideration of the bill (H. R. 7251) granting a pension to Christian Pope.

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 Christian Pope, late a private in Company K, Fifth Regiment of Missouri State Militia Cavalry Volunteers.

The amendment recommended by the committee was read, as follows:

Strike out the letter "o" in claimant's name and insert "a."

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7251) granting a pension to Christian Pope, submit the following report:

Claimant enlisted in Company D, Twelfth Missouri State Militia Cavalry, January 3, 1862; was discharged therefrom on certificate of disability February 28, 1864, said certificate showing that claimant was incapacitated for performance of the duties of a soldier because of varicose veins in his legs; that said disability was three-fourths total, rendering him unfit for service in the Invalid Corps.

Claimant filed application for pension May 22, 1882, alleging that in the fall of 1862, while on a forced march from Jackson to Bloomfield, Mo., and on the second day's march he was first disabled by varicose veins. His claim was rejected at the Pension Office because the certificate of disability for discharge shows that the varicose veins of left leg existed prior to enlistment. Claimant took an appeal, and the Assistant Secretary, in his review, states that claimant admits that he had varcose viens in left leg very slightly previous to enlistment; therefore affirmed former rejection. Several witnesses testify to their intimate acquaintance with him and to his soundness previous to enlistment.

The Adjutant-General's report shows claimant present for duty until September, 1863. Surgeon-General's report shows that claimant was first admitted to hospital in September, 1863. These facts, taken in connection with soldier's date of enlistment, prove that claimant performed his duty as a soldier for about twenty-one months, which is good evidence to your committee that claimant's disability previous to enlistment, if such disability existed, must have been very slight, and the Pension Bureau intimates disability prior to enlistment in left leg only, while the surgeon, in certificate for discharge, says "the dilation is extensive and implicates both legs."

Therefore, your committee are of the opinion that soldier's present disability is very largely due to his service, and recommend that the bill do pass with the following amendment: Striking out the letter "o" in claimant's name and inserting "a," so that the name will be "Pape."

The amendment recommended by the committee was agreed to.

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

The title was amended to conform to the provisions of the act.

FREDERICK HART.

Mr. O'DONNELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5213) granting a pension to Frederick Hart.

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 Frederick Hart, late of Company K, Sixth Michigan Cavalry.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5213) granting a pension to Frederick Hart, submit the following report:

The claimant enlisted October 13, 1862, and was discharged May 15, 1865, on surgeon's certificate of disability, Thomas H. Helsley, surgeon, who states in his certificate that an extensive exostosis tumor of right femur, lower third, greatly impeding marching and the free use of the limb, unfitting him for service in the Veteran Reserve Corps.

This disease has existed all the time since the war and to the present time. He made application for a pension in 1876, and it was rejected upon the ground that this disability existed prior to his enlistment, but your committee believe this is based upon error, as the man served nearly three years in active service, making heavy marches and engaging in many battles. He claims his disabilities were received at the battle of Falling Waters, Maryland, and your committee believe, from the evidence on file with the claim, that such is the truth, and therefore 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.

JOHN RAGAN.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8067) to correct the military record of John Ragan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, directed to remove the charge of desertion now standing against the record of John Ragan, Company F, Ninety-fourth Regiment New York Volunteers, and issue to him an honorable discharge as a private of said company and regiment.

The amendment recommended by the committee was read, as follows:

Add to the bill the following:

"This act shall not authorize any pay, allowance, or bounty to said Ragan for service under such enlistment."

The report (by Mr. LANSING) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8067) to correct the military record of John Ragan, submit the following report:

The rolls of the Army disclose the fact that John Ragan, Company F, Ninety-fourth New York Volunteers, is recorded as a deserter. It appears by affidavits that Ragan enlisted in said company and regiment in 1861 or 1862; that on or about the month of February said Ragan was taken from said command by writ of habeas corpus issued by a justice of the supreme court of the State of New York, since deceased; that no record of said discharge can be found; that said Ragan was when so discharged a minor.

The committee do report that said bill do pass, with the following amendment, to wit:

"This act shall not authorize any pay, allowance, or bounty to said Ragan for service under such enlistment."

The amendment recommended by the committee was agreed to.

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

D. G. SCOOTEN.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3520) granting a pension to D. G. Scooten.

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 D. G. Scooten, late a private in Company H, Fifty-ninth Regiment Illinois Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3520) granting a pension to D. G. Scooten, submit the following report:

The claimant was a private in Company H, Fifty-ninth Regiment Illinois Infantry, and was also on detached service in Colonel Ellett's ram fleet on the Mississippi. It was in the latter service that he claims to have received injury to his back while carrying wood, and for this he asks a pension. The records show that he was in hospital for diarrhea, and his discharge says he was unfit for service on account of dysentery, chronic diarrhea, and an ulcer on his leg. There is no record reference to the disability referred to in his application. The examining surgeon says he thinks his is a case of spinal irritation.

In his declaration he says he became disabled while on detached service with the ram fleet, carrying wood.

The letter of transmission says the case is still pending and awaits evidence of the origin of said injury to back in the service; but it has been briefed for rejection on the ground that there is no record evidence of alleged injury, and the claimant is unable to furnish evidence of origin.

The Adjutant-General's report shows that he first served in the Ninth Missouri Volunteers, subsequently the Fifty-ninth Illinois; that he was present for duty December 31, 1861; February 28, 1862, absent with sick leave; April 30, 1862, on detached service, and subsequently borne as on detached service in Colonel Ellet's ram fleet, from April 30, 1862, until discharged, October 8, 1862, at Cairo, Ill., for disability.

The man's record is good, and it is owing to his varied service and the imperfect reports that he can not furnish the evidence in the form required.

His neighbors and acquaintances testify that he was sound prior to service. Dr. Yarnold says he treated him for injury to his back when he returned from service, and claimant told him it was on account of this injury that he was discharged. His certificate of discharge recites several complaints, but does not mention the injury to his back.

The detached duty to which he was assigned was with the ram fleet on the Mississippi, and consisted in carrying cord-wood on his back to fill a barge in order to protect the ram while passing the rebel batteries at Fort Pillow. He says he is unable to comply with the requirements of the office for the reason that he was on detached service; that James Bockner was the only one on said detached service of his company, and he earns that Bockner was killed in a skirmish in 1863; that Colonel Ellet was wounded at Memphis and died at Cairo; that his son Charles, who was present when he was injured, has since died, and Colonel Ellet's brother, who succeeded him, was killed by accident.

The examining surgeon reports—

"Injury to spine by carrying wood on the shoulder up a gangway plank and slipping. He complains of pain at or about the eighth dorsal vertebra, extending around to the breast, on sitting, standing, or stooping, or in any position if maintained for a short time; weakness of the back, and inability to perform any except light manual labor. Also pain in the night, obliging him to get up and walk about. I think his a case of spinal irritation caused by injury as above stated."

Inasmuch as prior soundness is satisfactorily proven, and the disability was identified by his attending physician immediately after discharge, and its continuance and present existence are shown by the certificate of the examining surgeon, and in view of the difficulty of procuring evidence in the cases of soldiers who have been placed on detached service, the committee are of the opinion that the relief for which the claimant appeals to Congress should be conceded.

The bill is reported favorably, with a recommendation that it do pass.

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

ABRAM F. SPRINGSTEEN.

Mr. CHEADLE. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 11344) to correct the record of Abram F. Springsteen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Abram F. Springsteen, formerly a member of Company A of the Thirty-fifth Regiment of Indiana Volunteers, by removing the charge of desertion therefrom and granting him an honorable discharge, to date December 23, 1861.

Mr. CHEADLE. Mr. Speaker, the facts in this case are these: The beneficiary of this bill, when a little boy, a few days over eleven years of age, enlisted in Company A, Thirty-fifth Indiana Volunteers, as a drummer, and on the 13th of December, 1861, his mother and sister took him home. The report of the adjutant-general of Indiana shows that he was discharged as a minor, but the report of the Adjutant-General of the Army states that he was a deserter.

Again on the 29th day of July, 1862, when he was twelve years and twenty-four days old, he enlisted in Company I, Sixty-third Regiment Indiana Volunteers, and served until June 21, 1865, when he was discharged at Greensborough, N. C., just two days before he was fifteen years of age. I ask that the Committee on Military Affairs be discharged from the further consideration of the bill, and that it be considered at this time; and in this connection I will print in the RECORD a statement made by Mr. Springsteen giving the facts in his case.

The statement is as follows:

WASHINGTON, D. C., *July* 14, 1890.

*To whom it may concern:*

I have the honor to state that I was born July 5, 1850, at Brooklyn, N. Y., and went with my parents to Indianapolis, Ind., in 1852, where I resided until September 22, 1882, when I was appointed to a clerkship in the War Department.

At the breaking out of the war, in the spring of 1861, I left school and commenced beating the drum for the various recruiting officers who were engaged in raising troops for the field.

In May, 1861, I endeavored to be enlisted in Company A, of the Eleventh Indiana (three months) Volunteers, but was refused admission on account of my size and age, being at that time not quite eleven years of age. I continued, however, beating the drum for the recruiting officers until the last of August, 1861, when I became acquainted with Capt. Henry N. Conklin, of Company A, Thirty-fifth, Indiana Volunteers, then organizing at Camp Morton, and who at once wanted me to enlist in his company as drummer-boy. I told him I was perfectly willing provided he could have me enrolled.

He then consulted with my father in regard to the matter, and then instructed me to give my age as fourteen years instead of eleven years, which I did, and was finally enrolled and mustered in as drummer-boy of Company A, Thirty-fifth Indiana Volunteers, and served with my command at Camp Morton, Indianapolis, Ind., until the 13th of December, 1861, when my regiment received orders to go South. Being afraid that my mother, who, by the way, had not given consent to my enlistment, would cause me trouble, I said nothing to my folks about our intended departure.

On the evening of December 13, 1861, we broke camp and marched to the Governor's Circle, where the colors were presented to the regiment. We then

marched to the Cincinnati freight depot, where we were to take the train for the South, but were detained about an hour on account of the making up of a train. I was seated on a foot-bridge, conversing with some of my little acquaintances, when all of a sudden my mother and sister, who in the mean time had heard of our intended departure, came upon me, and on pretense of taking me to a bakery to fill my haversack with cakes, etc., took me home instead, and upon the following day I was taken to the house of an uncle, who resided about 20 miles from Indianapolis, where I remained for about two weeks, when, through the kind assistance of a neighboring farmer, I found my way back to Indianapolis, and while endeavoring to ascertain the destination of my regiment was again captured by my parents, and this time taken to the house of an uncle who resided about 40 miles from Indianapolis and about 12 miles from the railroad station; here I was compelled to remain until about the middle of May, 1862, when on account of a death in my father's family I was taken home, and upon promising to keep away from the soldiers was permitted to remain. Not being used to idleness I soon thereafter secured employment at the United States arsenal, assisting in the manufacture of ammunition, at which I continued until about the last of June, 1862, when I offered to beat the drum for an officer who was recruiting a company of soldiers, and who had a tent pitched in the old State-house yard, just across the street from the arsenal.

When the company was completed I was offered the position of company drummer, provided I could secure the consent of my parents, and upon returning to my home I stated the facts to them, and also informed them that if they would not give consent to my enlistment I would certainly run away from home. This sudden and unexpected announcement on my part had the desired effect, and upon the 29th day of July, 1862, at the age of twelve years and twenty-four days, I was enrolled as drummer-boy of Company I, Sixty-third Regiment Indiana Volunteers, and served faithfully with my command until June 21, 1865, when honorably discharged with my company at Greensborough, N. C., returning to my home at Indianapolis, Ind., on the 3d day of July, 1865, just two days prior to my fifteenth birthday.

During the Georgia campaign, and just prior to the battle of Kenesaw Mountain, I met the Thirty-fifth Indiana Volunteers, to which I had formerly belonged, and upon inquiring for a young drummer-boy by the name of Justice, was informed that upon the arrival of the regiment at Bardstown, Ky., about December 15 or 16, 1861, he as well as myself was discharged as a minor, and the printed adjutant-general's report of Indiana, volume 5, page 132, confirms this report, and upon the strength of this I applied on the 20th day of June, 1890, to the Adjutant-General United States Army for a discharge certificate as of Company A, Thirty-fifth Indiana Volunteers, and in due time I was informed by the Secretary of War that I am charged with deserting my command at Jeffersonville, Ind., which is certainly an error, as I never left Indianapolis with the Thirty-fifth Indiana Volunteers, but was stolen away by my mother and sister upon the night of its departure for the South, December 13, 1861, and through no fault of my own was forcibly detained from my command.

I desire also to state that the photograph inclosed with the papers in my case is an enlarged copy from an ambrotype, which was taken in September, 1861, the original of which may be seen at any time.

Very respectfully, your obedient servant,

ABRAM F. SPRINGSTEEN,
Clerk, Class 1, Surgeon-General's Office.

Subscribed and sworn to before me this 14th day of July, A. D. 1890.
[SEAL.] J. A. TERRY, *Notary Public.*

Mr. CUTCHEON. Mr. Speaker, although this bill has not been reported from the committee, I have examined it myself and am satisfied it is a proper case for relief.

The SPEAKER *pro tempore*. Is there objection to the request that the Committee on Military Affairs be discharged from the further consideration of this bill and that it be considered in the House? The Chair hears none.

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

JOHN GEORGE.

Mr. KILGORE. I ask for the present consideration of the bill (H. R. 4236) pensioning John George.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John George, dependent father of —— George, late of Company H, Fourteenth Illinois Volunteers, now deceased. Residence of father is at Ingalls, Kans.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4236) pensioning John George, submit the following report:

John George, the claimant, is the dependent father of Lafayette George, deceased, who enlisted in Company H, Fourteenth Illinois Infantry, May 23, 1861, and was discharged June 18, 1864. Claimant filed application for pension as dependent father of deceased soldier November 20, 1879, alleging in declaration that his son, Lafayette George, died from the effects of chronic diarrhea on the 1st day of January, 1865, at Bloomington, Ill., and that said disease was contracted while in the service. Also that he was dependent upon his son for support.

The testimony in the case corroborates claimant's allegations as to dependence, he being at the time of soldier's death and ever since in reduced financial circumstances. Claimant furnishes no positive proof that his son's death was due to his service, for which cause his claim was rejected at the Pension Bureau. There being no records on file of soldier's regimental hospital, therefore his inability to show record of incurrence; but the fact of the prevalence of chronic diarrhea in the service and the soldier's death from that disease in less than seven months after discharge is strong presumptive evidence that the disease was contracted in the service. The evidence shows that claimant has no means for support; that he is eighty years old, and physically unable for the performance of any kind of labor.

Your committee recommend the passage of the bill with the following amendment: In line 6, after the word "of," insert "Lafayette."

The amendment recommended by the committee was agreed to.

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

MRS. LETITIA STAENGLEN.

Mr. STOCKBRIDGE. I ask that the bill (H. R. 11534) to pension Mrs. Letitia Staenglen may be considered at this time, and I desire to say in connection with it that it has been favorably reported by the Committee on Pensions and appears on the Calendar. The printed report is not in the document-room. I ask for the consideration of the bill at the present time and that the report be printed in the RECORD.

The SPEAKER *pro tempore*. Does the Chair understand that this bill has been reported by the committee?

Mr. STOCKBRIDGE. The bill has been reported.

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, the name of Mrs. Letitia Staenglen, widow of Gustav Adolph Staenglen, late a private in Company G, Ninth United States Infantry.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11534) granting a pension to Mrs. Letitia Staenglen, have considered the same and report as follows:

The claimant's late husband, Adolphus Staenglen, was a private in Company G, Ninth U. S. Infantry, and served from April 21, 1855, to May 14, 1858. He died of cancer of the stomach, December 17, 1887, and his widow filed an application for pension December 10, 1889, declaring that said disease was the result of his military service.

The records of the Surgeon-General, United States Army, show that the soldier was treated during his term of service for diarrhea, furunculus, intermittent fever, chronic ulcers, pulmonary catarrah, scorbutus, and rheumatism, but, the attending physician's certificate of death stating that the cancer was of a year's duration at time of death, the Pension Bureau rejected the widow's claim on the ground that the fatal disease was not due to the soldier's military service.

Accompanying the bill is the testimony of Gustav Garrell to the effect that he was a member of the same company with the deceased soldier and knows that he was discharged the service on account of disability, which disability continued to the time of his death.

James L. Ridgely, of Baltimore, Md., certifies that the soldier, Adolph Staenglen, was in his employ much of the time during a period of twelve years, and that he (Staenglen) was often compelled to stop work on account of chronic disability, apparently of long standing, causing general weakness and principally affecting the spine; also that the soldier was a worthy, honest, and sober man.

William E. Clements, guardian of the claimant's and soldier's five children, swears that Mrs. Staenglen has no other means of support than her manual labor; also, that the children are in part now, and shortly will be wholly, dependent upon her.

In view of the hospital record and other evidence, your committee think it fair to presume that the disease which resulted in the soldier's death had its origin in his military service, and the bill is therefore returned with a favorable recommendation.

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

ELIZABETH M. AYARS, FORMERLY ELIZABETH M. SUTTON.

Mr. BERGEN. I ask for the present consideration of the bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized and directed to put upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth M. Ayars, widow, formerly Elizabeth M. Sutton, widow of James C. Sutton, of Company D, Tenth New Jersey Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, submit the following report:

The claimant was the widow of James C. Sutton, Company D, Tenth New Jersey Infantry, and who died while in the service March 7, 1862, and she was pensioned as such widow until her remarriage with one William J. Ayars on the 3d day of September, 1865, at which time said pension ceased. She continued as the wife of the said William J. Ayars until his death, which occurred June 25, 1889. By the death of this second husband she is left in her old age in a dependent position, and as it has become customary to restore to the pension-rolls applicants of this nature your committee recommend the passage of the bill.

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

WILLIAM W. CARTER.

Mr. WHEELER, of Alabama. I ask for the present consideration of the bill (H. R. 1066) to remove the charge of desertion and grant an honorable discharge to William W. Carter.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized and directed to restore to the rolls of Company A, Fourteenth Regiment Missouri State Militia Cavalry, the name of William W. Carter, heretofore dropped as a deserter, and grant to said William W. Carter an honorable discharge from said service.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1066) to relieve William W. Carter from the charge of desertion, would report—

That the military record of such soldier shows he deserted from Company A, Fourteenth Missouri State Militia Cavalry, July 10, 1864. At this time he had served two years and ten months. He almost immediately re-enlisted in Company G, Sixteenth Missouri Cavalry Volunteers, and was mustered out with the same company July 1, 1865. The soldier states he had been arrested under a misapprehension of facts and deserted from the guard-house.

Your committee believe that, in view of the record evidence that this soldier served from January, 1862, to July, 1865 (excepting an interval of a few days), he should be granted the relief asked, and the single blot in a long service should be expunged, and therefore recommend that the bill do pass.

An abstract of the military record of said William W. Carter is submitted herewith.

*Case of William W. Carter, private, Company A, Fourteenth Missouri State Militia Cavalry, subsequently Company L, Fourth Missouri State Militia Cavalry; also of Company G, Sixteenth Missouri Cavalry Volunteers, in violation of twenty-second (now fiftieth) Article of War.*

RECORD AND PENSION DIVISION, *January* 29, 1890.

The records show that Wallace C. Carter, private, Company A, Fourteenth Missouri State Militia Cavalry Volunteers, was enrolled and mustered in January 24, 1862, in Dallas County, Missouri, to serve during the war in Missouri. On all rolls subsequent to April 30, 1862, he is borne as William W. Carter.

The Fourteenth Regiment Missouri State Militia Cavalry Volunteers was disbanded early in 1863, and the members transferred to the Fourth and Eighth Regiments Missouri State Militia Cavalry Volunteers, three years' organizations; Company A (and with it William W. Carter) was assigned to the Fourth Missouri State Militia Cavalry, and designated as Company L of that regiment February 4, 1863.

The record shows that he deserted July 24, 1862; returned (probably voluntarily) August 3, 1862, and was restored to duty by Major Sullivan. With this exception his record under this enlistment appears to be very good, until he finally deserted on July 10, 1864, and did not return. (At this time he had already served two years and nearly six months.)

On August 1, 1864, he again enlisted, as William W. Carter, in Company G, Sixteenth Missouri Cavalry Volunteers, at Hartville, to serve "twenty months from November 1, 1863." His record in this organization appears to be good. He was mustered out with his company July 1, 1865, at Springfield, Mo., but, as his enlistment in the Sixteenth Missouri Cavalry Volunteers was in violation of the twenty-second (now fiftieth) Article of War and as existing law affords no relief in this case, because his enlistment in the Sixteenth Missouri Cavalry Volunteers appears to have been made for the purpose of securing bounty or other gratuity to which he would not have been entitled under the terms of his original enlistment, the War Department has heretofore (in October, 1888) denied his application for removal of the charge of desertion from his record.

The provisions of the act of Congress approved March 2, 1889, do not alter the status of this case.

In an affidavit dated August 27, 1888, this man stated that at the time he left the Fourteenth (Fourth Missouri State Militia Cavalry) he had been arrested under a misapprehension of facts on the part of an officer, was confined in the guard-house, and broke out of said guard-house at the time of his desertion, and at once enlisted in the Sixteenth Missouri Cavalry Volunteers.

No other pertinent testimony in this case is on file at the War Department.

H. R. bill 1066, Fifty-first Congress, first session, has been introduced to remove the charge of desertion and issue an honorable discharge to him as of his first enlistment.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, U. S. Army.*

The SECRETARY OF WAR.

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

ORDER OF BUSINESS.

Mr. MORRILL. I now call for the regular order, and ask unanimous consent that the Committee of the Whole may be discharged from the consideration of the bills which will be reached on the Calendar and that they be considered in the House.

There was no objection, and it was so ordered.

SOLOMON SMITH.

The first business on the Private Calendar was the bill (H. R. 8445) granting a pension to Solomon Smith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Solomon Smith, late a private in Company D, Eleventh Regiment Kentucky Infantry Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8445) granting a pension to Solomon Smith, submit the following report:

Solomon Smith enlisted in Company D, Eleventh Kentucky Infantry, on the 14th day of September, 1861, and faithfully served with his command until April 30, 1862, when he was sent to hospital in Nashville for treatment for chronic diarrhea and piles.

On the 6th of November, 1862, he was discharged for disability, his certificate bearing the following indorsement:

I certify that I have carefully examined Solomon Smith, private of Captain Peay's company, and find him incapable of performing the duties of a soldier, because of chronic diarrhea of nine month's duration, and ascites.

HUGH MULHOLLAND,
*Surgeon in Charge of General Hospital No. 8, at Nashville.*

In 1880 Mr. Smith moved to Bad Axe, Mich., from his home in Kentucky. In 1887 he applied for a pension, but can not secure an allowance of claim on account of his inability to secure the testimony of neighbors and friends in Kentucky as to continuance of disability after service. He has written many letters to ascertain the whereabouts of his former neighbors, but his efforts have proven fruitless.

He is unable to make a personal search for this testimony on account of his destitute circumstances, witnessed by the fact that he is in the poor-house. Ever since his arrival in Bad Axe he has been treated for chronic diarrhea and hemorrhage of the bowels by Dr. William H. Deady, who testifies that he is a complete wreck and almost helpless, and that his lower limbs are partially paralyzed, as a result of his rectal troubles.

The medical examination shows an extreme condition of disability arising from the causes for which Mr. Smith was discharged. The petitioner is now seventy-one years old.

Your committee have carefully examined this case and believe this soldier justly entitled to the relief sought. We therefore return the bill with the recommendation that it do pass.

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

GEORGE R. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 6635) for the relief of George R. Wright.

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 George R. Wright, late captain of Company r, Forty-seventh Wisconsin Infantry, and that he be granted an increase of pension at the rate of $75 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6635) for the relief of George R. Wright, report that they have had the same under consideration, and find that at the time of his enlistment he was a resident of the city of Milwaukee, in the State of Wisconsin, and, being but about eighteen years of age, duly enlisted and was enrolled in the service of the United States on or about the 23d day of December, 1862, at Milwaukee, in Company K, of the Thirty-fourth Regiment of Wisconsin Volunteer Infantry; was immediately transferred to Company F, and on September 14, 1863, was commissioned second lieutenant of the Fourth Wisconsin Battery of Light Artillery; on January 6, 1865, was commissioned second lieutenant of Company F, Forty-seventh Wisconsin Volunteer Infantry; on February 16, 1865, was commissioned captain of said Company F, Forty-seventh Wisconsin Volunteer Infantry, and was honorably discharged at Nashville, Tenn., on September 4, 1865.

That said George R. Wright, while in the service of the United States, and while on a scouting expedition, marching from Tullahoma to Stevenson, Ala., in April, 1865, was, for a period of from ten to fifteen days, continually exposed to wet and cold, without proper blankets and food; that up to the time of enlisting, and during the war until the above-mentioned exposure, said Wright was strong and healthy, but during said exposure and thereafter he was afflicted with rheumatism and neuralgic pains in the head and limbs, and severe pains in the back and hips, as is shown by the evidence of comrades and commanding officers; that since his said exposure he has ever been subject to periodical attacks of neuralgia and severe pains in back and head, ever increasing in frequency and severity and in their wasting effect on his nervous system, and that this baneful disease, finally culminating in spinal irritation and locomotor ataxia, resulted in loss of control of the muscles, incoherency of speech, severe and frequent convulsions, and an enfeeblement and breaking down of the mind, which resulted in insanity in about the year 1881, which has now become incurable.

That the examining board at Kalamazoo, Mich., on December 15, 1886, examined said claimant and certified that he was insane, wholly incapacitated from all manual or mental labor, and required a constant attendant.

That said Wright was declared insane and admitted to the asylum at Wauwatosa, Wis., and that he has ever since and still is an inmate of that asylum. In April, 1889, M. J. White, superintendent of this asylum, at the request of the Bureau of Pensions, made a minute description of said Wright's condition, stating in substance that his symptoms presented all the evidence of general paresis; that he had no lucid intervals; that he required the constant services of an attendant for a long time after his convulsive attacks; and, "cause of disease presumably mental strain and exposure in service."

That said George R. Wright was pensioned for disease of the nervous system from November 8, 1886, at $24 per month. In July, 1889, he was granted an increase to $30, dating from April 5, 1889. Declaration for further increase, on ground of total disability, filed January 28, 1889, rejected because "insanity not shown to be result of pensioned cause. The length of time of its occurrence after service—nearly twenty years—would militate its acceptance." (See opinion of Dr. M. T. White, superintendent of insane asylum.) But Dr. White says "that the present insanity was caused presumably by mental strain and exposure in the service."

That said George R. Wright has a wife and three children dependent upon him for support. That his mother, Jane Evelyn Wright, his guardian, although with scant means and well along in years, is called upon to almost wholly support said claimant's wife and children, as well as to contribute to his maintenance in the asylum, said pension of $30 a month not being sufficient to support and clothe him at said institution.

In view of these circumstances your committee are of the opinion that said George R. Wright ought to be granted an increase of pension, and therefore recommend the passage of this bill.

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

WILLIAM L. HURST.

The next business on the Private Calendar was the bill (H. R. 9595) for the relief of William L. Hurst, of Wolfe County, Kentucky.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William L. Hurst, of Wolfe County, Kentucky, at the rate of $50 per month.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9595) granting a pension to William L. Hurst, submit the following report:

William L. Hurst, of Wolfe County, Kentucky, having been duly authorized to recruit a company for service in suppressing the rebellion, he had recruited twenty-three men who had been supplied with arms by Richard Apperson, sr., then a United States commissioner by authority of the War Department. While encamped in Wolfe County, Hurst and his men, on the 5th day of May, 1862, engaged in a fight with a company of Confederates, in which, at the hands of the enemy, Hurst received a direct front shot in his right eye, destroying same, the bullet still remaining in his head, and at the same time was wounded in the shoulder. Wounded and suffering he, with his aged father, to whose house he had been taken, were captured and taken, night and day, horseback and afoot, 250 miles to Abingdon, Va., where they were handcuffed and confined in the jail for a month, and afterwards taken to Richmond and other points within the Confederacy, where they were confined, Hurst all this time suffering with his wound and receiving no medical treatment.

After remaining in Confederate prisons for about six months Hurst and his father were exchanged. Mr. Hurst says that during his capture and imprisonment he suffered for want of food and medical attention; that he had $100 taken from him; that he was cruelly treated, from all of which he has never recovered. He is a lawyer by profession, is well known in his section, and any statement he makes concerning this matter can be fully relied on. He makes the following statement:

"The bullet by which I lost my right eye is still in my head and must be near my brain, judging from the terrible giddy spells I from time to time have with my head. Whilst my health permitted to attend to my business regularly I did not and would not entertain the idea of seeking a pension. Recently my health has become so much impaired from the bullet in my head that I am unable any longer to regularly or safely transact my ordinary and necessary business, as exposure to the weather and travel greatly affects me, and from the giddiness of my head caused by said wound I can not often travel on the railroad or any fast conveyance."

Mr. Hurst and his company had never been mustered into United States service, although they had been furnished arms by order of the War Department.

Mr. Hurst is near sixty-one years of age. In view of all the facts and there being precedents for same, your committee report back said bill with the recommendation that same be passed, with an amendment, by striking out all after the word "Kentucky," in sixth line.

Mr. KILGORE. What would be the effect of that amendment?

The SPEAKER *pro tempore*. It would place him on the pension-rolls, subject to the provisions and limitations of the pension law.

Mr. KILGORE. How much would that give him?

Mr. MORRILL. That would depend upon the disability. He would be examined by the surgeons.

The amendment recommended by the committee was agreed to.

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

ISRAEL R. PIERCE.

The next business on the Private Calendar was the bill (H. R. 9615) for the relief of Israel R. Pierce.

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-rolls, subject to the provisions and limitations of the pension laws, the name of Israel J. Pierce, late private Company H, Seventh Ohio Volunteer Cavalry.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9615) for the relief of Israel R. Pierce, submit the following report:

Israel J. Pierce enlisted as a private soldier in Company H, Seventh Ohio Volunteer Cavalry, September 2, 1862, and was discharged June 29, 1865. He was a good soldier and served his country faithfully. He was enlisted at Marietta, Ohio, and was mustered out at Nashville, Tenn., July 4, 1865. While he was on his way to Marietta, on or about the 6th of July, 1865, at or near Chillicothe, and while riding on the car which was transporting him home, and while the train was moving, he was struck in the eye with a piece of cinder, causing total blindness of the eye and greatly affecting the other eye.

This disability became permanent, and the soldier is suffering severely with it, and the only question that could have affected his right to a pension in the Pension Office long ago was the mere fact that he had been actually mustered out of the service before receiving the injury.

Your committee is of the opinion that it is drawing too fine a sight for the Government to say he is not in the line of duty when he is being transported home to the place of his enlistment. We therefore are of the opinion that he is entitled to a pension and recommend the passage of this bill.

The SPEAKER *pro tempore*. The Chair would ask the chairman of the Committee on Invalid Pensions if he is certain as to what the party's name is. There seems to be a difference between the caption and body of the bill.

Mr. MORRILL. What is the difference?

The SPEAKER *pro tempore*. In the title the name is given as Israel R. Pierce; in the body of the bill it is given as Israel J., and in the report it is given as Israel J.

Mr. MORRILL. The gentleman from Michigan thinks "Israel R." is right.

The SPEAKER *pro tempore*. Then the question is on amending the bill so as to agree with the title in the particular indicated.

The amendment was agreed to.

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

WILLIAM M. PORTER, ALIAS WILLIAM S. MACKAY, DECEASED.

The next business on the Private Calendar was the bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of William M. Porter, alias William S. Mackay, now deceased, so that the same shall show that he was involuntarily and unavoidably absent from his command and duties as a second lieutenant of the Twenty-ninth Regiment United States Infantry, by reason of insanity, instead of absent without leave, from July 18, 1868, to December 21, 1869.

The report (by Mr. OSBORNE) is as follows:

Your committee, to whom was referred the bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay, submit the following report:

The facts in this case are fully embraced in the report of the Adjutant-General submitted herewith, and from which it appears, to the satisfaction of your committee, that the records of the War Department should be so amended as to show that said William S. Mackay, alias William M. Porter, now deceased, was unavoidably absent from his command, which is the overt act for which his pay was suspended for a period of about eighteen months, it appearing to your committee beyond question that at the time he so absented himself he was laboring under mental derangement, and was therefore not responsible for his conduct.

We would therefore recommend that the bill do pass.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April 12, 1890.*

SIR: I have the honor to return herewith a communication from the chairman of the Committee on Military Affairs, House of Representatives, inclosing and requesting information, suggestions, etc., concerning a bill (H. R. 4184) to amend the military record of William M. Porter, alias William S. Mackay, deceased, late first lieutenant, Third Infantry, so as to show that he was involuntarily and unavoidably absent from his command while a second lieutenant in the Twenty-ninth Infantry from July 18, 1868, to December 21, 1869, instead of absent without leave, as now shown by the records.

William S. Mackay served as an enlisted man in the Third Massachusetts Cavalry from April 8, 1864, to September 28, 1865, and in the Eleventh United States Infantry from October 24, 1865, to September 11, 1866, when he accepted an appointment as second lieutenant, Eleventh Infantry. He was transferred to the Twenty-ninth Infantry September 21, 1886; became unassigned April 25, 1869; was assigned to the Third Infantry March 22, 1870; promoted first lieutenant November 1, 1872, and resigned February 15, 1873.

As a commissioned officer he served with his regiment in Virginia from September 11, 1866, to April 19, 1867; on registering duty at Marion, Va., to October 30, 1867; with his company at Lynchburgh, Va., to December 23, 1867; as military commissioner at Hillsville, Va., to July 18, 1868, during which latter period he was also acting assistant adjutant-general subdistrict of Lynchburgh, from May 30 to July 18, 1868; absent without leave to December 21, 1869; awaiting orders to March 22, 1870, when assigned to Third Infantry, which he joined April 12, 1870; served with that regiment in the Indian Territory to some time in October, 1871; at Fort Lyon, Colorado (being also acting assistant quartermaster and acting commissary of subsistence) to January 1, 1873; and on leave of absence until date of resignation.

The records simply show that, as a matter of fact, Lieutenant Mackay was technically "absent without leave" from July 18, 1868, to December 21, 1869, nearly eighteen months, but the circumstances of his absence indicate very plainly that when he left his post, and for quite a long period afterwards, he was mentally irresponsible for his actions. It was understood he was never able to draw any pay for the period of his absence on account of said record of absence without leave.

Annexed hereto is a copy of the report of this office, dated October 27, 1882, on the application of Lieutenant Mackay (Wm. M. Porter) for a change in his record, with the action of the Secretary of War thereon, which report sets forth the action taken on former applications of the same character. His claim was again presented in October, 1889, accompanied by additional evidence of his mental incompetency and irresponsibility at the time of his unauthorized absence, as well as evidence showing that he was insane at times after leaving the military service, and that he became insane early in the summer of 1889, and while in that condition left the United States, became involved in trouble in Belfast, Ireland, and finally died in a hospital at that place.

The Secretary of War decided, after considering this last application, that Congress is the only authority which can, under the facts set forth, properly provide for an amendment of the record or an allowance of the pay to which he would have been entitled in case the record of absence without leave had not been made.

Had Lieutenant Mackay been apprehended in 1868, before leaving the country, and been found to be insane, he would doubtless have been placed in a hospital or asylum and allowed pay the same as if on duty.

Copies of all the papers which appear to be necessary to a full understanding of the case in its present status are transmitted herewith.

Very respectfully, your obedient servant,

CHAUNCEY McKEEVER,
*Acting Adjutant-General.*

The SECRETARY OF WAR.

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*Copy of report and action upon an application of William Mackay Porter, addressed to the Adjutant-General, October 20, 1882, for the removal of the charge of absence without leave against his record as an officer of the Army from July 18, 1868, to December 21, 1869.*

[Report of Adjutant-General to the Secretary of War.—Case of William Mackay Porter, late William S. Mackay.]

ADJUTANT-GENERAL'S OFFICE, *October 27, 1882.*

He served as an enlisted man in the Third Massachusetts Cavalry, from April 8, 1864, until September 28, 1865, when he was mustered out with the regiment as sergeant-major. He next enlisted in the regular Army October 24, 1865, and was assigned to Company D, Third Battalion, Eleventh Infantry, with which he served until September 11, 1866, when he was discharged as first sergeant by reason of appointment as second lieutenant, for which appointment he was recommended by many officers of his regiment. He was transferred to the Twenty-ninth Infantry September 21, 1866, and while an officer of this regiment he left his command at Lynchburgh, Va., July 18, 1868, and remained absent therefrom without authority until December 21, 1869, when he reported in person to the Adjutant-General in this city and explained his absence as follows:

'That on July 18, 1868, while laboring under temporary mental aberration, brought on by pecuniary difficulties, he left his post at Lynchburgh, and after wandering purposelessly from city to city he found himself in New Bedford, Mass., where he shipped as cook on board a whaling vessel; that after being some time at sea he came to his senses, and, realizing what he had done, surrendered himself in February, 1869, to the United States consul at Port Louis, Mauritius, the vessel's first port of call; that being out of means and being unable to return to the United States he remained at Port Louis until October 22, 1869, when, with the assistance of the consul, he sailed for the United States, where he arrived December 18, 1869, and reported to the Adjutant-General December 21, 1869.

In view of the peculiar and mitigating circumstances under which he left his command, his explanation of which and of his subsequent wanderings being in part corroborated by the official records, a recommendation that Lieutenant Mackay be dropped from the rolls as a deserter was recalled by the Secretary of War and he was placed on waiting orders, without trial, from December 21, 1869, date he reported to the Adjutant-General. He remained on this status until March 22, 1870, when he was assigned to the Third Infantry; was promoted first lieutenant, Third Infantry, November 1, 1872, and his resignation as such was accepted to take effect February 15, 1873. In September, 1878, the Second Auditor asked for the military history of Lieutenant Mackay, stating that he claimed pay from July 18, 1868, to December 21, 1869, and was informed that he was borne on the records as absent without leave for the period in question, and the Second Auditor was again so informed in June, 1882.

Mr. Porter (formerly Lieutenant Mackay) now reports the circumstances of his leaving his command, etc., and requests that the charge of absence without leave be removed; that if it is not in the power of the Adjutant-General to change the record, this application be submitted for the action of the Secretary of War. Mr. Porter cites section 1265, Revised Statutes, which says that "officers * * * when absent without leave shall forfeit all pay during such absence unless the absence is excused as unavoidable." He claims that his restoration to duty after his acquittal by the Department of intentional wrong, his subsequent promotion, and his being intrusted with responsible duties practically excused his absence as unavoidable.

Mr. Porter claims, and there is nothing of record to disprove the claim, that there was no reason why he should have willfully absented himself so long without leave, but every reason why he should not have done so. He raises the point that, as an officer who is insane can not legally resign, so, by analogy, an officer can not willfully absent himself from his post and duties when insane.

In February, 1872, on a question as to Lieutenant Mackay's status for longevity pay, it was decided by the then Secretary of War, through the Adjutant-General, that Lieutenant Mackay was not entitled to pay for the period while absent, but would be allowed credit therefor in computing length of service.

Respectfully,

R. C. DRUM, *Adjutant-General.*

The action of the Secretary of War in this case, which was communicated by letter to Mr. Porter November 1, 1882, was as follows:

This question having been determined by the Secretary of War in 1872, the present Secretary of War declines to take further action.

R. C. DRUM, *Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *October 27, 1882.*

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AMERICAN BARK CLEONE,
*Harbor of Port Louis, Mauritius, March 2, 1869.*

SIR: I have the honor to lay before you, as the representative of the United States at this port, the following statement:

I am a lieutenant in the Twenty-ninth Regiment of regular infantry in the

service of the United States of America, commissioned as such on the 16th day of August, 1866, while serving as an officer of volunteers during the late war. On the 18th day of last July, while serving as assistant adjutant-general on the staff of Bvt. Maj. Gen. O. B. Willcox, United States Army, commanding the district of Lynchburgh, Va., I left Lynchburgh, without leave, on the evening train for Bristol, Tenn., my accounts with the Government unsettled and without notice or a word of farewell to my family or friends. After a few weeks of purposeless wandering through the States and Canada, I found myself in New Bedford, when, destitute of money and too foolish to give myself up and apply to my friends, I was induced to ship on the bark Cleone for a whaling voyage as cook under the assumed name of William Porter. I have left my wife and child without any warning or provision, deserted the service of the United States, and am in addition a defaulter to a considerable amount until I can settle my accounts.

I can only account for my whole conduct by believing that I was temporarily insane. I had been to sea a little when a boy, and this, with the kind assistance of the steward, who knew my story, enabled me to do my work without detection, although I was utterly ignorant of cooking. The news of my flight and defalcation was published in all our papers of the 24th or 25th of July with orders for my arrest. My only hope now is to get back home as soon as possible and stand my trial, as my friends are willing and able to relieve me from my pecuniary responsibility. Captain Luce has treated me most kindly, and I would have confided in him, but from the menial position I occupy conversation with him is difficult.

I would not wish the owners of the vessel to lose a cent by me, and would give Captain Luce a draft on New York or England for the amount of my indebtedness to the ship, which draft would be promptly and cheerfully paid on presentation. I would therefore ask you to permit me to surrender myself to you and to send me home for trial. I would cheerfully accept any employment ashore which would support me until you could communicate with Washington if you considered it necessary. If you will grant me the favor of a personal interview at your office I think I can convince you of the entire truth of my representations. As an officer in the United States service I can not longer act as cook of a whaler. Anxiously awaiting an early answer to this communication,

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

WILLIAM S. MACKAY,
*Lieutenant, Twenty-ninth Infantry, U. S. Army.*

UNITED STATES CONSUL, *Mauritius.*

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UNITED STATES CONSULATE,
*Port Louis, Mauritius, March* 10, 1869.

SIR: On the 27th February last the whale-ship Cleone, of New Bedford, Mass., Capt. Hervey E. Luce, arrived at this port from cruising. On the day after her arrival I received a letter from the cook of the vessel, signed William G. Mackay, informing me that he had been a lieutenant in the United States Army, and attached to the Twenty-ninth Regiment of Infantry, and that while acting on the staff of Maj. Gen. O. B. Willcox he deserted the service, as he was a defaulter to the United States in many thousands of dollars, and wished me to arrest and send him home for trial.

On the receipt of this letter I ordered Mackay ashore and he confirmed the statement made in his letter. He also informed me that the account of his defalcation and desertion was published in the newspapers in July last, but on looking over a file of papers in this office I could find no account of it.

As I had nothing to prove his statement I concluded to let him proceed in the vessel to sea.

The ship will cruise between this and Madagascar for the next six months, and will probably at the expiration of that time enter this port again.

If Mackay's statement is true and the Government wish to have him arrested and sent home, I will, on receipt of advices from the Department, do everything in my power to further the ends of justice.

Please find the original letter of Mackay to me, a copy of which is on file in this office, marked Inclosure No. 1.

I have, etc.,

NICOLAS PIKE, *United States Consul.*

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ANGEL ISLAND, CAL., *June* 29, 1869.

GENERAL: Having serious doubts of the sanity of Lieut. W. S. Mackay, who deserted from the Twenty-ninth Infantry at Lynchburgh, I am constrained to recommend that his name be dropped from the rolls of the Army without further action. Your attention is invited to the opinion of Assistant Surgeon Rose, accompanying this letter.

Very respectfully, your obedient servant,

O. B. WILLCOX,
*Brevet Major-General and Colonel,*
*Late Commanding Twenty-ninth Infantry.*

General E. D. TOWNSEND,
*Adjutant-General of the Army, Washington.*

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RICHMOND, *July* 9, 1869.

GENERAL: I have the honor to inclose herewith a communication from General Willcox, late commanding Twenty-ninth Infantry, in the case of Lieut. W. S. Mackay.

In my opinion Lieutenant Mackay exhibited symptoms of derangement for at least three weeks previous to his desertion. Up to this time he had been very sociable and was esteemed and respected by all who knew him. His devotedness to his wife and family was a subject of comment by all.

During the three weeks prior to leaving he kept himself aloof from everybody and acted so entirely different as to give rise frequently to the remark that "Mackay was changed."

He had become to some extent, as I afterwards learned, involved in debt, and this, I believe, acting on a disordered brain, drove him to take the step he did.

I agree entirely with the opinion of General Willcox, and would respectfully urge that his recommendation in the case be carried out.

Very respectfully, your obedient servant,

GEORGE S. ROSE,
*Assistant Surgeon, United States Army.*

General E. TOWNSEND,
*Adjutant-General United States Army, Washington, D. C.*

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*No.* 1576.—*Certificate of non-indebtedness. Issued to W. S. Mackay.*

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, *July* 13, 1869.

It is hereby certified that the records of this office do not show any accounts or returns received or due from or chargeable against W. S. Mackay, lieutenant Twenty-ninth Infantry.

This certificate is granted to satisfy the Pay Department that the above-named officer is not indebted to the United States on the books of this office at the date hereof.

R. M. CLARKE, *Third Auditor.*

Examined and entered:

A. M. GANGEWER, *Chief Clerk.*

PORT LOUIS, MAURITIUS, *September* 23, 1869.

GENERAL: I beg most respectfully to state, for the information of the honorable Secretary of War, that with the kind assistance of the United States consul at this port I propose sailing in a few days for New York, where I may hope to arrive about the end of December. The War Department will have been apprised some time ago through Colonel Pike, United States consul, of my having arrived at this place in March last, and of my having informed him that I had been absent from my command without leave since the 18th of July, 1868. This he communicated in due course to the State Department and received a reply to the effect that the Secretary of War would apply to Congress for authority to strike my name from the Army Register; but from private communications received by the last mail I am led to hope that, if I return to the United States and submit to trial by court-martial, it will be possible to avoid the odium attendant on a dismissal.

As I believe I will be able to prove that, at the time I abandoned my duty and left my wife and family without any preparation or warning, I was laboring under mental aberration, I would most earnestly beg that, taking into consideration my previous services and the feelings of my poor wife and family, no action may be taken with a view to my dismissal from the service until I can present myself for trial or report my arrival in the United States. I beg that any communication for me on this subject may be addressed to the care of H. H. Tenny, esq., Jay Cooke & Co., bank, Washington, D. C.

I have the honor to be, general, very respectfully, your obedient servant,

W. S. MACKAY,
*Lieutenant U. S. Army, late Twenty-ninth United States Infantry.*

Bvt. Maj. Gen. E. D. TOWNSEND,
*Adjutant-General U. S. Army, Washington, D. C.*

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UNITED STATES CONSULATE,
*Port Louis, Mauritius, October* 22, 1869.

SIR: I have the honor to acknowledge the receipt of your dispatches Nos. 45 and 46, with inclosure. Referring to No. 45 and its inclosure, I would respectfully inform you that Lieutenant Mackay, United States Army, left this port in the steamer Mozambique on the the 22d instant.

In my dispatch No. 99, I informed you that Lieutenant Mackay would sail from this port in the British ship Menden for New York, as I had made arrangements with the captain of that vessel for his passage. On the eve of his sailing the agents of the Menden refused to take passengers. As Lieutenant Mackay was without a home I took him to my own residence, and he has been under my personal observation from that time until his embarkation.

I believe that he requires medical care and attention. There being no direct means of communication from this place to the United States, I deemed it my duty, taking into consideration the peculiar circumstances of the case, to send him home by the steamer, giving him a letter to the consul at Alexandria, that he may be sent to his destination. I trust that under the circumstances I may be permitted to draw on the Department for the amount of his passage, etc. I have been assured by persons under whose observation Lieutenant Mackay has been that, while his conduct here has been uniformly good, yet he at times evinced symptoms of mental aberration, although I believe him to be now of sound mind. I may add that he states, in the event of his being exonerated from the charge of absence without leave, he will willingly refund the amount of his passage from any pay which he may become entitled to.

I have, etc.,

NICOLAS PIKE, *United States Consul.*

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WASHINGTON, D. C., *December* 21, 1869.

GENERAL: I have the honor to state for your information that on the 18th of July, 1868, I left my command at Lynchburgh, Va., without permission, and have remained absent until this date. The circumstances attending my absence are such as I trust will warrant a merciful consideration of my case.

At the time I left and for some days previously I was, I firmly believe, laboring under a mental aberration, brought on by pecuniary difficulties, which, preying on my mind, induced me to leave my command and my family without the slightest desire or intention to desert the service. After a purposeless wandering from city to city, of which even now I can give no clear account, I found myself in the city of New Bedford, and there was shipped as cook on a vessel bound on a whaling voyage.

After some time at sea, I came to my proper senses, and the magnitude of the offense which I had committed in leaving my post was first clearly presented to my mind. There was no possibility of my communicating with my friends or surrendering myself until the arrival of the vessel at her first port of call, Mauritius, in February last, when I at once communicated my case to the United States consul, who at once reported my arrival to the Department of State. From that time to this I have been using every exertion to return to the United States, but from want of means I could not do so until the 22d of October last, when, with the assistance of the consul, I was at length enabled to leave Mauritius, arriving at New York on the 18th instant, and reporting to you in person at the War Department this day.

Such, general, is as nearly as I can state a true outline of my case, borne out, I believe, by the communications of the United States consul for Mauritius and by the opinions of the medical and other officers of the post of Lynchburgh, at the time of my departure. As to my standing and efficiency as an officer and my personal character previous to my departure, I rely on the favorable report of the many officers under and with whom I have had the honor to serve, both as a regimental officer and while on detached service as a military commissioner, and a registering officer in Virginia, especially Bvt. Maj. Gen. O. B. Willcox, then colonel of the Twenty-ninth Infantry. I have, during my service, always endeavored to devote my whole time and attention to my duties, and up to this unfortunate occurrence I have never laid myself open to the slightest censure from my superior officers. I may add that my debts were mainly owing to the many expensive changes of station, which, with a delicate wife and little baby, I had to make in the course of one year, depending as I was solely on my pay.

I would, therefore, earnestly beg that, taking all these circumstances into consideration, with the fact that I was not mentally accountable for my actions at the time of my flight, the General of the Army will be pleased to restore me to duty, assigning me to some post where I may be able to prove, by unceasing application and correct performance of my duties, how much I desire to wipe out the sole blot on my military record, and how grateful I feel for the kind consideration thereby extended to me and mine.

I have the honor to be, general, your obedient servant,

W. S. MACKAY,
*Second Lieutenant, United States Army.*

The ADJUTANT-GENERAL,
*United States Army.*

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WASHINGTON, D. C., *July* 17, 1880.

I hereby certify that I have been Mr. William M. Porter's family physician for about fifteen years, during which time I have noticed mental aberration, steadily increasing in degree and frequency. The first severe attack was in the year 1868, when he was in the Army, lasting seventeen months. The next in the years 1873, 1875, and 1878.

Each time his mental condition grew worse during the attacks and cleared up less and less between them. Now on account of a severe attack of pleurisy, both physical and mental power have been lost, and he wanders over the country doing the most insane things and often even threatens the lives of his wife and children when they refuse or oppose him in anything.

O. M. MUNCASTER, *M. D.*

Subscribed and sworn to before me on the 23d July, A. D. 1889, and I further certify that I have no interest in his pension or other claims against the Government.

T. S. HOPKINS,
*Notary Public, District of Columbia.*

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*Statement of R. S. Lacey, late captain and assistant quartermaster volunteers, in re William M. Porter, alias Mackay, late lieutenant United States Army.*

I was captain and assistant quartermaster volunteers in the late war. From July, 1865, till the spring of 1869, I was stationed at Lynchburgh, Va., as superintendent of Freedmen's Bureau affairs. When General O. B. Willcox was assigned to duty at this post in 1866, I was placed by him at his headquarters and remained until 1869. One of the general's aids was said Lieut. W. S. Mackay. Under my quasi staff duty, I was at all times in constant daily association with said Mackay at headquarters. In the fall of 1868, without slightest warning or notice to myself or o her officers at headquarters, said Mackay abandoned his duty and disappeared. No one could assign cause for his singular conduct. I contributed money with others to send his destitute and penniless wife to her parents.

Subsequently, however, I learned that he went directly from Lynchburgh to some seaport in New England, where he shipped on a whaler under an assumed name as a galley cook for a three years' cruise. This confirmed my judgment that said Mackay's disappearance was due to some sudden uncontrollable impulse or mental aberration. Under such belief I subsequently assisted largely in securing his return to America from Australia. When afterwards he exhibited the same mental disturbance or loss of mental equilibrium at St. Louis, Mo., by abandoning business and family without intimation and without any known cause, and enlisting as a private soldier under an assumed name, his act was certainly in consonance with his insane disappearance in Lynchburgh in 1868. His present chronic insanity I regard as merely the permanent exhibition of what has always existed since 1868 in ephemeral form.

R. S. LACEY.

WASHINGTON, D. C., *July* 20, 1889.

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GOVERNOR'S OFFICE, *Soldiers' Home, D. C., July* 23, 1889.

The within accords with my own opinion and belief. There was no earthly cause discovered for a sane man to quit a fine position in the service at Lynchburgh, no trouble nor incentive known. I think he has been insane for many years with occasional lucid intervals of wild impulses.

O. B. WILLCOX,
*Brigadier-General U. S. Army, Governor Soldiers' Home.*

I, Henry A. Hambright, major United States Army, do certify that I first became acquainted with William Mackay Porter when he was first sergeant of Colonel Chipman's company, C, Third Battalion, Eleventh Infantry, in the fall of 1865; that in the summer of 1866 said William Mackay Porter, known to me as William Mackay, was commissioned as second lieutenant, United States Infantry, and assigned to my company, E; that he joined at Norfolk, Va., and with his wife formed a member of my family and was treated as such.

As an enlisted man and officer Lieutenant Mackay enjoyed the respect of his inferiors and confidence of his superiors; he was devoted to his duty, of temperate habits, and in a daily intercourse of many months I found him filling all the requirements of an officer and a gentleman. In July, 1868, he was serving on the staff of Bvt. Maj. Gen. O. B. Willcox, I believe, as acting assistant adjutant-general, as well as military commissioner of the twenty-eighth subdistrict of the first military district, Virginia. I learned about this time that he had left his post at Lynchburgh, and shortly after that he was reported as absent without authority.

It was my impression then, when he left his station and duties, that he must have been temporarily insane, as I never learned of any cause or reason for his action. This opinion I also had from others better able to judge and given after the first heat of indignation at the apparently heartless abandonment of his wife had passed away.

HENRY A. HAMBRIGHT,
*Major, United States Army, Retired.*

LANCASTER, PA., *July* 25, 1889.

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DEPARTMENT OF STATE, *Washington, August* 29, 1889.

SIR: I have to inclose herewith authenticated copy of a letter from the attorney of Lieut. W. Mackay Porter, with original inclosures, also certified by the Department, and to request you to use your good offices in securing the release of Lieutenant Porter from prison, as these papers seem to establish the fact of his irresponsibility because of unsound mind.

I am, sir, your obedient servant,

ALVEY A. ADEE, *Acting Secretary.*

SAMUEL G. RUBY, Esq.,
*Consul of the United States, Belfast.*

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UNITED STATES CONSULATE, *Belfast, September* 11, 1889.

SIR: Your dispatch No. 9, of August 29, in relation to W. Mackay Porter, is received with inclosures as stated. As I had already succeeded in securing Mr. Porter's discharge I suppose I can act no further in the matter.

He is now lying in the hospital too weak to rise from his bed, and it is highly probable that he will not live longer than a few weeks.

He has a small sum of money, not sufficient to pay his expenses to the United States. Should he so far recover as to be able to make the voyage, as I understand it I have no authority to return him at the expense of the Government.

I have the honor to be, sir, your obedient servant,

SAMUEL G. RUBY, *Consul.*

Hon. WILLIAM F. WHARTON,
*Assistant Secretary of State, Washington, D. C.*

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UNITED STATES CONSULATE, *Belfast, September* 20, 1889.

SIR: I beg to inform you that W. Mackay Porter, in relation to whom your dispatch No. 9 of August 29 was written, died in the hospital here on the 18th instant.

I have the honor to be, sir, your obedient servant,

SAMUEL G. RUBY, *Consul.*

Hon. WILLIAM F. WHARTON,
*Assistant Secretary of State, Washington, D. C.*

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2011 I STREET, CITY OF WASHINGTON, *October* 29, 1889.

MY DEAR GENERAL: Mrs. Porter will hand you this. She is the widow of William Mackay Porter, who was once a clerk in the Adjutant-General's office.

There is a singular history connected with this man, involving great suffering to his wife, and all growing out of fits of aberration of mind, to which he was subject. Mrs. Porter is perfectly truthful and can give you such points as you desire.

Her case, for pension and some pay, I believe, she tells me is to go before the Secretary to-morrow, and it is important she should have testimony about his strange actions while suffering from aberration of mind. He was an officer of the Twenty-ninth Infantry and left his post mysteriously in 1873 under the delusion that he was a defaulter. Investigation satisfied me that it was not so, and I caused him to be returned to duty. He afterwards resigned, went off and enlisted, and was reported absent without leave. He was relieved from the penalty, except loss of pay, on the same ground, and was detailed as a clerk in the office. When sane he was an excellent man and clerk.

General Breck may remember that he paid a voucher for sending Short, a messenger, after him once when he went away in the same singular manner. His end was really tragic. He wandered off, got a passage in some way to Ireland, was arrested there for some irregularities, was found to be insane, died in a hospital in his native city, attended by the clergyman who was his pastor in childhood, and was buried beside his father, far away from wife and children.

This is a genuine case, and if you can do anything to help Mrs. Porter (I mean in finding evidence) you will serve a most meritorious woman who has borne unusual trials with wonderful fortitude.

Sincerely yours,

E. D. TOWNSHEND.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, November* 13, 1889.

SIR: Referring to the application filed by you for an amendment of the records of the War Department so that they shall show that William M. Porter, alias William S. Mackay, now deceased, was involuntarily and unavoidably absent from his command and duties as a second lieutenant of the Twenty-ninth United States Infantry, instead of absent without leave from July 18, 1868, to December 21, 1869, I have the honor to inform you that the Secretary of War, to whom the papers have been submitted, is of the opinion that Congress is the only authority which can, under the facts of record, properly allow or definitely decide the claim for change of record and allowance of pay.

The War Department will be prepared, in case any committee of Congress having this claim under consideration shall call for information, to furnish the committee with all the facts of record bearing upon the circumstances and cause of Mr. Porter's absence.

Very respectfully, your obedient servant,

J. C. KELTON, *Adjutant-General.*

D. I. MURPHY, Esq.,
*Attorney, P. O. Box* 534, *Washington, D. C.*

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

MALINDA LEMMON.

The next business on the Private Calendar was the bill (H. R. 8303) granting a pension to Malinda Lemmon.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Malinda Lemmon, widow of Samuel Lemmon, deceased, a soldier in Captain Wilkins's company of Indiana militia, from September 18 to November 18, 1811, and pay her a pension from the passage of this act at the rate of $12 per month.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8303) granting a pension to Malinda Lemmon, have considered the same and report:

The claimant's late husband, Samuel Lemmon, was a private in Captain Wilkins's company, Indiana militia, from September 18 to November 18, 1811. The soldier died in March, 1846, and on May 6, 1878, she filed an application for pension, which was rejected by the Pension Bureau on the ground that the service was rendered against the Indians prior to the beginning of the war of 1812, and hence there is no provision of law granting a pension on account of same.

J. N. Land, of Carlisle, Ind., states that the claimant is eighty-four years old and entirely destitute.

There are many precedents for the allowance of pension on account of service in the old Indian wars, and the bill is therefore reported back with the recommendation that it do pass.

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

JANE FEE.

The next pension business on the Private Calendar was the bill (H. R. 9431) granting a pension to Jane Fee.

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 Jane Fee, widow of Michael Fee, late a member of Company G of the Second United States Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9431) granting a pension to Jane Fee, have considered the same and report:

The claimant's late husband, Michael Fee, was a private in Company G, Second United States Infantry, and served from October 20, 1841, to August 29, 1846. During the last three months of his service he was on recruiting duty at Binghamton, N. Y.

The soldier died April 11, 1885, and after the passage of the Mexican war service pension act in January, 1887, his widow (this claimant) filed an application for pension under that act, but the same was rejected by the Pension Bureau on the ground that the soldier was not at the seat of war, nor *en route* thereto, at any time during his term of service.

Mrs. Fee's identity as the widow of Michael Fee is fully established by the testimony of Michael McBride, Elijah Castle, and others. It is further shown by testimony submitted to your committee that the claimant is in bad health and very poor. She is now about fifty-seven years old and dependent almost entirely upon her friends and children for support.

Your committee have recognized the justice of applications of this character in a general bill reported to the House at this session, and the bill for the relief of Jane Fee is therefore reported back with a favorable recommendation.

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

JAMES P. KIRBY.

The next pension business on the Private Calendar was the bill (H. R. 8605) to amend the military record of James P. Kirby.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he hereby is, authorized and directed to amend the military record of James P. Kirby, late a private of Company D, Ninety-fourth Regiment New York Volunteers, so as to show the said Kirby discharged by reason of an injury to the left side caused by an accidental fall received on the line of a railroad on the march from Piedmont to Front Royal about May —, 1862.

The report (by Mr. LANSING) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8605) to amend the military record of James P. Kirby, submit the following report:

James P. Kirby enlisted in the Ninety-fourth New York Volunteers in 1861. In May, 1862, he received an injury to his side and stomach from a fall upon a railroad track. He was discharged for such injury, but the cause of discharge was stated to be cancer of the stomach. By a communication from the War Department it is stated the Department is of opinion that the record "showing him discharged by reason of cancer of stomach is erroneous."

The committee recommend that the bill do pass.

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

HOSEA STONE.

Mr. PETERS. Mr. Speaker, I find upon the Calendar a bill for the correction of the military record of Hosea Stone, which I did not know had been reported, and I ask unanimous consent that the Committee of the Whole be discharged from its further consideration, and that the bill be considered at this time.

There was no objection.

The bill (H. R. 2593) was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, directed to correct the military record of Hosea Stone so as to show that he has been relieved from the charge of desertion against him as a member of Battery A, Fourth United States Artillery, and to issue to said Stone an honorable discharge, to date from the 21st day of July, 1865, from said battery.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2593) to correct the military record of Hosea Stone, having considered the same respectfully report:

That all the facts of this case are fully set out in the military record of this soldier, which is herewith printed as a part of this report. He was continuously in the military service of the United States from October 19, 1862, to July 21, 1865, when he is charged with desertion. This soldier's good service during nearly the entire period of the civil war, and the further fact that he did not desert until war was over, the committee think will justify Congress in granting the relief proposed by the bill.

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WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
*Washington, May 16, 1890.*

SIR: I have the honor to return herewith bill (H. R. 2593) for removal of charge of desertion from record of Private Hosea Stone, Battery A, Fourth United States Artillery, and in compliance with the request of the chairman of the Committee on Military Affairs, House of Representatives, to report that the records of this office show that Hosea Stone, private, Battery A, Fourth United States Artillery, enlisted October 19, 1862, for the balance of his volunteer service; was discharged February 1, 1864, by reason of re-enlistment; re-enlisted February 1, 1864, in Battery A, Fourth United States Artillery, for three years; deserted July 21, 1865, at Camp Bailey, Maryland, and is still a deserter at large.

The case of this man is not covered by the provisions of the act of March 2, 1889, the only law on the subject of removal of charge of desertion now in force, and in justice to other enlisted men of the regular Army, whose status is similar to that of this man, I can not recommend favorable action in this individual case.

Very respectfully,

C. McKEEVER,
*Acting Adjutant-General.*

The SECRETARY OF WAR.

ADJUTANT-GENERAL'S OFFICE, *June 5, 1890.*

Official copy.

ARTHUR MacARTHUR, JR.,
*Assistant Adjutant-General.*

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

JOSEPH DASCOMB.

The next business on the Private Calendar was the bill (H. R. 3766) granting a pension to Joseph Dascomb.

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 Joseph Dascomb, dependent father of Charles B. Dascomb, late a private in Company D, Fourth New Hampshire Infantry.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3766) granting a pension to Joseph Dascomb, submit the following report:

The claimant is the father of Charles B. Dascomb, who enlisted in Company D, Fourth New Hampshire Volunteers, August 12, 1862, was mustered out of service August 24, 1865, and died May 19, 1874. The mother of the soldier applied for pension in 1883, and died in March, 1885. The father's application has been rejected because, in the opinion of the medical referee, the soldier's death-cause, scrofulous sores, is not satisfactorily connected with the service.

It is shown by the record that the soldier was under treatment for malarial fever from July 4, 1864, to December 2 of said year, for erythema in February, 1865, and for congestion of lungs from March 6 to July 24, 1865.

The case was specially examined to determine the general merits of the same, in particular with respect to the soldier's death-cause. Dependence has been clearly established by the evidence obtained. Lay evidence only is obtainable with reference to soldier's condition from discharge to death, and its immediate cause, by reason of the death of the attending physician. The special examination was very thorough, and in submitting his report the examiner says:

"The lay evidence would appear to establish the fact that the soldier returned from the service sick, and continued to grow worse until his death, in May, 1874. Witnesses are all reliable. I think the case is one of merit, and that, giving the claimant the benefit of any doubts that may exist, it should be admitted."

Notwithstanding the favorable recommendation of the special examiner, the medical referee objected to the allowance of the claim because of the absence of the medical evidence heretofore referred to.

Your committee, however, concur in the conclusion reached by the special examiner, and report favorably on the accompanying bill and recommend its passage.

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

APHIA M. BROWN.

The next pension business on the Private Calendar was the bill (H. R. 4707) granting a pension to Aphia M. Brown.

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 Aphia M. Brown, mother of James F. Brown, late a private in Company D, Ninth New Hampshire Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4707) granting a pension to Aphia M. Brown, submit the following report:

Aphia M. Brown is the mother of James F. Brown, who, while serving as corporal in Company D, Ninth Regiment New Hampshire Volunteers, was killed in action near Petersburgh, Va., in September, 1864. She applied for pension as a dependent mother, but her claim has been rejected by the Pension Office because the soldier left surviving him a widow, who is also dead. Another son of this aged woman was likewise killed in battle, but he also left a widow surviving him.

James F. Brown aided very materially in the support of his mother, as is clearly established by the evidence on file.

The claimant is now eighty-nine years of age, and an inmate of the poor-house of the county in which she resides, as is certified to by the proper authorities. She can not long survive, and should no longer be permitted to be a charge upon the community.

Your committee therefore report favorably on the accompanying bill, and ask that it do pass.

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

ANNE MATTOCKS.

The next pension business on the Private Calendar was the bill (H. R. 6800) granting a pension to Anne Mattocks.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anne Mattocks, an applicant for a pension under claim numbered 334307 as dependent mother of Ichabod W. Mattocks, late a soldier of Company A, First Vermont Cavalry Volunteers.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6800) granting a pension to Anne Mattocks, submit the following report:

Anne Mattocks is the mother of Ichabod W. Mattocks, who enlisted in September, 1861, in Company A, First Vermont Cavalry, and died July 15, 1864, of wounds received in action.

It appears that while home on furlough, in the spring of 1864, he married a woman who was recognized by the Pension Office as his widow, and was paid a pension until her remarriage in May, 1865.

Having left a widow surviving him, the mother's claim had to be rejected by the Pension Office. The claimant was deserted by the father of the soldier as early as 1845. She obtained a divorce from him in 1852, and has remained single ever since. Another son died while in service, and a third son contracted disease in the Army and died from its effects after discharge.

Anne Mattocks was supported by her sons, the one on whose account she claimed pension being the principal contributor, as it appears from the evidence on file. She has by her own efforts managed to eke out an existence, but being now seventy-six years of age has become dependent upon her friends for support.

Your committee are of opinion that the case is meritorious, and therefore report favorably on the accompanying bill and ask that it do pass.

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

ABBIE A. COLSON.

The next business on the Private Calendar was the bill (H. R. 6217) granting a pension to Abbie A. Colson.

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 Abbie A. Colson, of Winterport, Me., *non compos* sister of John L. Colson, late a private in the Third Regiment Mounted Artillery, Maine Volunteers, at the rate of $18 per month, and the said pension be paid to her legally constituted guardian.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6217) granting a pension to Abbie A. Colson, submit the following report:

Abbie A. Colson is the insane sister of John L. Colson, who enlisted December 30, 1861, in the Third Battery, Maine Artillery, was discharged therefrom June 17, 1865, and died of disease contracted in the service, October 21, 1868, leaving no wife or minor children surviving him. The mother of the soldier received a pension on account of his death and dependence upon him, which she drew until her death in April, 1885. The father of the soldier is also dead.

The proposed beneficiary applied for a pension, but her claim has been rejected by the Pension Office, because she had passed the pensionable age at the time of her mother's death. She is shown to have no property of any kind, and no income except $2 per month State pension, and is taken care of by a widowed sister, who is compelled to earn her own support by manual labor.

The case comes clearly within the well established rules of Congress, and your committee, therefore, report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "regiment," in line 7, and inserting therein instead the word "battery."

The amendment recommended by the committee in the report was agreed to.

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

CATHARINE M'MANUS.

The next business on the Private Calendar was the bill (H. R. 3376) granting a pension to Catharine McManus.

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 McManus, widow of John McManus, late a sergeant in Company D, Third Regiment New Jersey Infantry, at the rate of $12 per month from his decease, and $2 additional per month for each minor child under sixteen years of age at his decease.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3376) granting a pension to Catharine McManus, submit the following report:

The claimant is the widow of John McManus, sergeant Company D, Third New Jersey Infantry, who enlisted May 26, 1861, and was discharged June 23, 1864. He was wounded in the knee at the battle of North Anna, Va., May 26, 1864. The evidence of several persons shows that this wound never healed, but became a running sore and made necessary the use of a pair of crutches. The evidence of comrades and neighbors shows that he was a man of good habits before, during, and after his enlistment.

The evidence of Joseph W. Campbell, M. D., on file with the claim, is to this effect: He swears that he treated the soldier in 1870 for chronic diarrhea and for gunshot wound of knee, which was a bad running sore. E. A. Marsh, surgeon, swears that he treated the soldier for this wound, and, up to a short time before his death, that the wound never healed and was continuously discharging, which caused weakness and general debility of the entire system. This is also proven by the testimony of other physicians.

While in this weak and suffering condition the soldier went to a small brook near his home after dark; that this brook could be crossed by stepping upon small stones; he at the time used a pair of crutches to assist him in walking; his body was found the next morning in the brook, he having fallen into the water and been drowned. It is the opinion of all the people who knew him that his death in this manner was due to his condition caused by his wounds. The claim was rejected on account of the manner of the death. The evidence is that he was a good soldier, and there is no doubt his death was due to his wounds.

Your committee recommend the passage of the bill.

Mr. MORRILL. Mr. Speaker, there ought to be an amendment to that bill. Without an amendment it would carry arrears.

The SPEAKER *pro tempore*. There is no amendment recommended by the committee, but a motion to amend is in order.

Mr. MORRILL. The committee really recommended the amendment, but they may have neglected to put it in. I move that the bill be amended by striking out, in line 8, the words "from his decease," so as to have the pension take effect on the passage of the bill.

The amendment was agreed to.

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

SOLOMON R. RUCH.

The next business on the Private Calendar was the bill (H. R. 4722) granting a pension to Solomon R. Ruch.

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 limitations of the pension laws, the name of Solomon R. Ruch, late a private in Company A, Fourteenth United States Infantry.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4722) granting a pension to Solomon R. Ruch, submit the following report:

That soldier enlisted February 1, 1862, and was discharged January 18, 1863. Filed a claim for pension December 9, 1881, alleging that he contracted chronic diarrhea in June, 1862, and that his eyesight began to fail and has continued to grow worse.

This claim was specially examined, and, after full investigation, was rejected February, 1886, on the ground that no chronic diarrhea has existed in a pensionable degree since enlistment, and that the record shows that the eyes were affected prior to enlistment. In the certificate of disability is recited:

"I certify that I have carefully examined the said Solomon R. Ruch * * * and find him incapable of performing the duties of a soldier because of near-sightedness existing prior to enlistment."

The evidence on the special examination showed he had been near-sighted from infancy. The claimant could not and did not deny this disability. Near-sightedness existed before the war, but he contended he contracthd disease of the eyes in the service. There is on question of origin in the service no record evidence or medical testimony. Two comrades testify to a recollection of watery or sore eyes There is evidence of neighbors of complaints of sore eyes shortly after discharge.

Prior to rejection claimant had three examinations: March, 1882. Surgeon says impaired vision of both eyes; letters one-half inch in size can not be distinguished 2 feet distant; pupils large. October, 1882. Board doubt disability and origin of disease of eyes to any great extent. July 9, 1884. Another board, under instruction, report upon a test examination disease of eyes, and rate total third grade for what appears to be a case of hytitis with nerve changes and cataract capsular, result of inflammatory trouble; no signs of syphilis. The evidence was all twice reviewed on appeal to Secretary of the Interior and rejection confirmed, although the Secretary says he inclines to think there is some merit in the case.

Your committee, in view of the fact that claimant is now blind, believe it a proper case to grant some relief and recommend the passage of the bill, amended so as to place beneficiary on the rolls at $18 per month.

The amendment recommended by the committee, adding at the end of the bill the words "at the rate of eighteen dollars per month," was agreed to.

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

J. D. GOLDEN.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5133) for the relief of J. D. Golden, and that the bill be put upon its passage.

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to amend the records of his office by placing the name of J. D. Golden upon the rolls of Company B, Ninth Regiment Pennsylvania Volunteers, three months' service, as a musician, as of the 22d day of April, 1861, and issue to him an honorable discharge as of the 24th day of July, 1861.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5133) for the relief of J. D. Golden, having considered the same, respectfully report:

That J. D. Golden enlisted in Company B, Ninth Regiment Pennsylvania Volunteers, three months' men, on the 21st day of April, 1861, and served in the said company as a musician until the 24th day of July, 1861, when said company was discharged by reason of expiration of service.

The name of J. D. Golden does not appear on the muster-rolls of the said company for the reason that Capt. William Sirwell, the captain of the company, enlisted a number of men in excess of the regulations, and at the expiration of the term of service was compelled to drop from the muster-rolls such excess. Among these was the name of the claimant. That J. D. Golden performed the service during the term of his enlistment there can be no doubt. He should be paid for such service and the committee believe he is entitled to the military record which will be established by the passage of the bills.

All the facts bearing upon this case are fully shown by the accompanying affidavits of the officers of the company and petition of the claimant, which are printed herewith and made a part of this report. The committee recommend that the bill do pass.

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STATE OF PENNSYLVANIA, *County of Armstrong, ss:*

In the matter of change of record, etc., case of J. D. Golden, late musician Company B, Ninth Regiment Pennsylvania Volunteers (three months' service).

On this 3d day of May, A. D. 1884, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, William Sirwell, aged 65 years, a resident of Kittanning, in the county of Armstrong and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows: That he was late captain of Company B, Ninth Regiment Pennsylvania Volunteers (three months' service).

This claimant enlisted in Company B, as musician, April 16, 1861. He did duty as musician of the company from date of his enlistment up to discharge of company. He never received pay for his services, nor was he mustered out with the company, for the reason that I had with me an excess of men and when muster-out rolls were made I dropped his name, with that of others, in order to make muster-roll conform with the regulations at that time. His post-office address is Kittanning, Armstrong County, Pennsylvania. He further declares that he has no interest in said case and is not concerned in its prosecution.

WILLIAM SIRWELL.

STATE OF PENNSYLVANIA, *County of Armstrong, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words —— erased, and the words —— added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.] SAMUEL N. LEE,
*Justice of the Peace.*

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STATE OF PENNSYLVANIA, *County of Jefferson, ss:*

In the matter of correction, etc., in case of J. D. Golden, late musician Company B, Ninth Pennsylvania Volunteers (three months' service).

On this 30th day of April, A. D. 1884, personally appeared before me, a clerk of court of quarter sessions in and for the aforesaid county, duly authorized to administer oaths, N. G. Pinney, aged forty-five years, a resident of Brookville, in the county of Jefferson, and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he was late first lieutenant of Company B, Ninth Regiment Pennsylvania Volunteers (three months' service). Was one of the original members of said company and served with it up to discharge. This applicant as above was enlisted in Kittanning, Armstrong County, Pennsylvania, as musician of the company, April 16, 1861, and was mustered with the company at Harrisburg, Pa., as musician, April 22, 1861.

The claimant done duty as musician of company from enlistment to muster out, both in company and regiment band of the regiment. The claimant never received his pay, nor was he mustered out with the company, although his service had been continuous and he was present at muster out of the company, for the reason that Captain Sirwell had an excess of men along with company during the term, and when we came to be mustered out he, the captain, dropped this claimant's name as musician and substituted the names of William W. W. Wallace and Thomas C. Wilson as musicians, although neither one of last named had ever done a day's duty as musicians of company, but instead had done duty as privates.

His post-office address is Brookville, Jefferson County, Pennsylvania. He further declares that he has no interest in said case and is not concerned in its prosecution.

N. G. PINNEY.

STATE OF PENNSYLVANIA, *County of Jefferson, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words —— erased, and the words —— added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.] THOMAS K. HASTINGS,
*Prothonotary.*

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STATE OF PENNSYLVANIA, *County of Armstrong, ss:*

In the matter of correction of record, etc., case of J. D. Golden, late musician Company B, Ninth Pennsylvania Volunteers (three months' service).

On this 1st day of May, A. D. 1884, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, J. D. Golden, aged thirty-six years, a resident of Kittanning, in the county of Arm.

strong and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he enlisted in Company B, Ninth Pennsylvania Volunteers (three months' service), as musician, at Kittanning, Pa., April 16, 1861, and was mustered with the company as musician at Harrisburg, Pa., April 22, 1861. That he did duty as musician of the company from date of enlistment, April 16, 1861, up to discharge of company, July 24, 1861. That the captain, William Sirwell, took an excess of men with him into the service and kept the excess with him until the company was discharged as above. When we came to be discharged the captain dropped my name from the muster out roll as musician and substituted the name of William W. W. Wallace or Thomas C. Wilson in its stead, although neither of them had ever done a day's service as musician. As a consequence I never was mustered out and never received pay for my services, nor a credit for my services, which I value highly. The application is made with a view of having the record changed so as to show my service and to secure an honorable discharge for the same, and pay for said service.

His post-office address is Kittanning, Armstrong County, Pennsylvania. He further declares that he has interest in said case and is concerned in its prosecution.

J. D. GOLDEN.

STATE OF PENNSYLVANIA, *County of Armstrong, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words —— erased, and the words —— added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.] SAMUEL N. LEE, *Justice of the Peace.*

I, H. J. Hays, clerk of the county court in and for aforesaid county and State, do certify that Samuel N. Lee, esq., who hath signed his name to the foregoing declaration and affidavit, was at the time of so doing an acting justice of the peace in and for said county and State, duly commissioned and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereunto is genuine.

Witness my hand and seal of office this 2d day of May, 1884.

H. J. HAYS,
*Clerk of the Orphans' Court of Armstrong County, Pennsylvania.*

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

The petition of the subscriber, a citizen of Kitanning Borough, in the county of Armstrong, in the Commonwealth of Pennsylvania, respectfully showeth: That he enlisted in Company B, Ninth Regiment Pennsylvania Volunteers (three months' service), as musician, at Kittanning, Pa., April 16, 1861, and was mustered with the company as musician at Harrisburg, Pa., April 22, 1861; that he did duty as musician of the company from date of enlistment up to and at discharge of company, July 24, 1861; that the captain, William Sirwell, in making out the muster in and out roll, dropped the name of your petitioner from the same in an unauthorized and unwarranted manner, so that now in the Adjutant-General's Office your petitioner is without record of said service, as also pay for the said service.

Your petitioner therefore respectfully prays that your honorable Congress will pass an enabling act giving your petitioner a record and pay for said service rendered as above in the armies of the United States; and your petitioner will ever pray, etc.

J. D. GOLDEN.

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

JOHN YOST.

The next business on the Private Calendar was the bill (H. R. 1863) granting a pension to John Yost.

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 John Yost, late a member of Company I, Thirtieth Regiment Wisconsin Infantry Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1863) granting a pension to John Yost, submit the following report:

The claimant enlisted August 13, 1862, and served in Company I, Thirtieth Wisconsin Volunteers, and was mustered out with his company September 20, 1865. While on duty in Montana he suffered from mountain fever, diarrhea, rheumatism, and scurvy, and was confined in hospital at Fort Union. Of this hospital there seems to be no record in the office of the Surgeon-General, but the treatment of claimant is fully established by officers and comrades of his company, some of the latter being confined with him in said hospital; also by nurse attending him, who testifies that he was being treated for mountain fever. The testimony shows that the regimental surgeon attending him has since died.

This sickness was in the spring of 1864, and is fully sustained by the records in the Adjutant-General's Office, which show him present with regiment until February 29, 1864; absent during March and April, 1864; left at Nebraska City with sick men, and sick until June 30, 1864; rejoined company July 26, 1864, from absence with sick. The records in the Surgeon-General's Office show that claimant was "admitted to post hospital, Louisville, Ky., September 5, 1865, with intermittent fever."

The sergeant of the company testifies to his sickness with mountain fever in Montana, and in hospital at Louisville, and says he was never well after his first sickness at Fort Union, and when with the company was only able for light duty.

Norman L. Burk, a comrade, swears that he knows of his sickness, and that he was in hospital in Montana, and that he believes he never fully recovered from the effects of the same during his term of service. He also testifies to his suffering from scurvy in March and April, 1865.

John McClose attended him as a nurse in the hospital in Montana and knows he never fully recovered.

Elisha J Horton, a comrade, was sick in same hospital and corroborates the other witnesses as to this and later sicknesses in service.

It is fully established that claimant was a sound man at the time of enlistment, and six reputable men of his neighborhood testify to the fact that he returned home immediately after his discharge sick with chronic diarrhea and that he has never recovered, and to his inability by reason of his physical condition to perform manual labor; the testimony is uncontradicted.

Your committee therefore 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.

MRS. BRIDGET HANDERHINE.

The next business on the Private Calendar was the bill (H. R. 6297) granting a pension to Mrs. Bridget Handerhine, widow of Daniel Handerhine.

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 Mrs. Bridget Handerhine, widow of Daniel Handerhine, late of Company B, First District of Columbia Infantry, and of Company B, Second District of Columbia Veterans.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6297) granting a pension to Mrs. Bridget Handerhine, have considered the same and respectfully submit the following report:

The claimant's late husband, Daniel Handerhine, was a private in Company A, First District of Columbia Volunteers, and Company B, same regiment, from October 26, 1861, until mustered out with his company September 12, 1865. He died at Windsor, N. Y., December 6, 1870, and on the 22d of August, 1879, his widow (this claimant) filed an application for pension, declaring that his death was caused by chronic diarrhea which originated in the service and line of duty.

The widow's claim was rejected by the Pension Bureau February 8, 1883, on the ground that there is no record of the soldier having incurred diarrhea in the service, and the claimant could not furnish the testimony required of her.

The evidence presented by the claimant is as follows:

Michael Handerhine and John Dillon swear that they were employed by the Government and saw the soldier at Alexandria, Va., in January and February, 1865, and he was at that time suffering severely from dumb ague and chronic diarrhea.

Willoughby Pauley swears that he was a member of the same company with claimant's husband and personally knows that said Daniel Handerhine was taken sick with diarrhea while in line of duty, at Alexandria, Va., on or about February 15, 1865, and he was quite sick with said disease.

Dr. George A. Thayer testifies that at the time of enlistment the soldier was sound, robust, and healthy; that in the month of December, 1864, the soldier was at home on furlough and he (the doctor) was called upon to treat him for chronic diarrhea and fever; also that after the soldier's discharge, to wit, about December, 1865, he was again called to attend him on account of said disease. At that time the soldier was emaciated and suffering severely from diarrhea and its results, intermittent fever, etc. Witness treated the soldier until June, 1866.

John F. Sullivan swears that he was boarding in the house of Mr. Francis Ellis, at Windsor, N. Y., and personally knows the fact that Daniel Handerhine died there December 6, 1870, and it was the common report that he died of chronic diarrhea. John O. Sullivan testifies to the same effect as the last-named witness.

Upon showing that she is in very poor health and so needy as to be dependent upon charity for support, the claimant's application was made special by the Pension Bureau.

After a review of all the facts your committee are of the opinion that whatever doubts arise respecting the merits of the claim are not too great to be justly resolved in the claimant's favor, and the bill is therefore reported back with the recommendation that it do pass.

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

CHRISTIAN SCHAUB.

The next business was the bill (H. R. 10106) granting an increase of pension to Christian Schaub.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Christian Schaub, late of Company A, Sixteenth Regiment New York Heavy Artillery, to $50 a month, payable to his legally constituted guardian.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10106) granting an increase of pension to Christian Schaub, submit the following report:

Christian Schaub served as private in Company A, Sixteenth Regiment New York Heavy Artillery, from July 15, 1863, to August 21, 1865. He applied for pension October 4, 1880, on account of rheumatism and effects of sunstroke. The claim for the former was allowed at $4 per month, but the latter was rejected on the ground that the evidence is not deemed sufficient to show origin in the service.

The claimant alleged that the sunstroke was incurred in July, 1864. There is no record of the incurrence of the sunstroke, but the hospital records do show that he was under treatment from June 13 to 28, and also in August, 1864; diagnosis not given for these periods except after August 16, 1864, when treated for icterus, and later for diarrhea and intermittent fever, also for rheumatism. He was also under treatment for some time before discharge.

The case has been specially examined, and after exhausting all sources of information the special examiner recommended the allowance of the claim. The most important evidence obtained is that of the assistant surgeon of the regiment, who is shown to be reputable. He testifies that he remembers that some time in August, 1864, claimant incurred sunstroke, for which he received treatment. Two comrades also testify that soldier was overcome by heat, but differ as to time of occurrence.

There is ample testimony showing that soldier after his return from service acted strangely. He complained much of dizziness and could not endure the sun's heat, did little work; in fact depended upon his wife for a support. His mind became more and more affected. Singing, dancing, and preaching to imaginary congregations became his principal occupation. When spoken to he flew into a passion, oftentimes assaulting members of his family, until finally, in 1888, he was declared insane and incurable.

While the evidence presented may not be entirely satisfactory for the purposes of the Pension Office, yet your committee are of opinion that it is sufficient to show that soldier incurred sunstroke in the service and that his present deplorable condition is the direct result thereof, and therefore report favorably on the accompanying bill and ask that it do pass.

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

ROBERT C. KERR.

The next business on the Private Calendar was the bill (H. R. 1864) to place the name of Robert C. Kerr on the pension-roll.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Kerr, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1864) granting a pension to Robert C. Kerr, submit the following report:

The claimant was a private in Company G, Eleventh Minnesota Volunteer Infantry, and was honorably discharged on the 26th day of June, 1865. About June 20, 1865, while on detail duty "on wood train guard" near Gallatin, Tenn., he was injured in the groin by the kick of a mule. He was never sent to the hospital, but was treated by the assistant surgeon of the regiment, who says in his testimony "that in the month of June, 1865, in camp at Gallatin, Tenn., the said soldier, R. C. Kerr, when on duty there was hurt by a mule. Deponent found a slight swelling in said soldier's left inguinal region, but could not state it was hernious. Said soldier, Kerr, received medical aid then and there in said camp by deponent. He also testifies to the soundness and good health of soldier at time of enlistment.

The corporal of company testifies that claimant was off duty for several days in latter part of spring of 1865, by reason of sickness.

The injury received seems at the time to have been considered by the assistant surgeon a bruise only, but to have developed into hernia.

H. Runke, a practicing physician, testifies that in the year 1865, in the month of November, at Stillwater, Mo., he made a medical examination of claimant and found that he was ruptured in the left side, and that the rupture was about as big as a goose-egg, and is about the same size yet (in January, 1883); that he ordered claimant a truss, which he continued to wear, and that he is incapacitated from obtaining subsistence by manual labor.

The testimony as to the injury is corroborated by comrades and neighbors who knew him immediately after his discharge, and who have had continued acquaintance with his disability since. The disability was incurred only a few days before the muster-out of the regiment, which fully accounts for the absence of record evidence. But the testimony of the assistant surgeon of the regiment and of comrades fully satisfies your committee that the injury was incurred in line of duty, and justice to the claimant requires that he should be placed on the pension-roll.

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

CATHERINE DOYLE.

The next business was the bill (H. R. 4894) increasing the pension of Catherine Doyle.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Catherine Doyle, widow of Michael Doyle, late of Company B, First Regiment District of Columbia Volunteer Cavalry, to $20 per month, in lieu of the pension now received by her.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4894) increasing the pension of Catherine Doyle, submit the following report:

The beneficiary is the widow of Michael Doyle, late a private in Company B, First District of Columbia Cavalry, who enlisted July 22, 1863, and was discharged October 26, 1865.

She is now drawing a pension at the rate of $12 per month. She appeared before your committee. She is now an old woman, totally blind, with no children or relatives, and her only means of support is the pension she is now receiving.

Your committee think it but just to give this poor, lonely, childless, blind, soldier's widow larger means of support, and therefore recommend the passage of the bill, with an amendment striking out the word "thirty" in the sixth line and inserting in the place thereof the word "twenty."

The amendment reported by the committee was read and agreed to.

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

AUGUSTUS D. HUBBELL.

The next business was the bill (H. R. 5685) for the relief of Augustus D. Hubbell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause the removal of the charge of desertion from the record of Augustus D. Hubbell, late Company C, Third New York Cavalry.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5685) for the relief of Augustus D. Hubbell, have considered the same, and submit the following report:

Augustus D. Hubbell was mustered into the volunteer service as a private in Company C, Third New York Cavalry, August 3, 1861, when about sixteen years of age. He served faithfully until January, 1864, when he re-enlisted as a veteran in the same organization, to serve three years or until the close of the war.

He deserted in April, 1864.

It appears from the evidence submitted to the committee that this soldier, though a young boy, served faithfully for two years and eight months, and won the esteem of his officers and comrades for his bravery and good conduct; that subsequent to his enlistment his father and brother entered the military service in other organizations, leaving at home only his mother and a little brother ten years old. His father was killed in a charge at Fort Wagner. His mother's health failing after his father's death, she repeatedly wrote, begging him to come home to her. For a time the boy withstood the entreaties of his mother, but at last his affection for her and the memory of his filial obligation overcame every other consideration and he deserted and went home and remained with her until the war was over.

This country has condoned and forgiven much that occurred during the period of the war, and your committee believe that it may throw its mantle of charity over the one blot in this young soldier's career, if it was a disgrace to prefer the obligations conferred by a mother's love, in view of her distressing condition, to the fealty he owed to his country.

Your committee recommend that the bill be amended by adding to the end of the bill the words "and grant him an honorable discharge under date of April 4, 1864," and that the bill when so amended do pass. Your committee submit herewith for the information of the House the report of the Secretary of War and the statement of facts presented by the soldier's comrades and officers.

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*Case of Augustus (D.) Hubbell, late private Company C, Third New York Cavalry Volunteers.*

RECORD AND PENSION DIVISION, *May* 7, 1890.

Augustus Hubbell, private Company C, Third New York Cavalry Volunteers, was enrolled on August 3, 1861, to serve three years. He was present with his company on December 31, 1863, and re-enlisted as Augustus D. Hubbell, a veteran volunteer, on January 5, 1864. The muster-roll of February 29, 1864, reports him "Absent with leave since January 13, 1864;" the roll of April 30, 1864, shows him "Deserted April 4, 1864;" and the regimental return for March, 1864, reports him "Absent without leave since March 28, 1864." His name is not borne on any muster-rolls subsequent to April 30, 1864.

No testimony in the case is on file in the War Department, and no application for removal of the charge of desertion is pending, a former application having been returned to the authorized attorney in the case on March 30, 1887, with the information that the provisions of the act of Congress approved July 5, 1884, do not cover the case.

In the absence of any testimony it can not be determined whether the provisions of the act of Congress approved March 2, 1889, change the status of the case.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

The SECRETARY OF WAR.

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To Hon. CHARLES BELKNAP:

DEAR SIR: This is to certify that we served with Augustus D. Hubbell in Company C, Third New York Cavalry; that we knew him to be a brave and obedient soldier, and one who never shirked his duty or exhibited the slightest fear in the face of the enemy.

He was but sixteen years of age when he enlisted the service, and served faithfully for nearly three years, when he re-enlisted. After his re-enlistment he served about three months. His father was a member of the One hundredth New York Volunteer Infantry and was killed in a charge on Fort Wagner, July 18, 1863. His brother was a member of the Forty-ninth New York Volunteer Infantry. He had but one other brother, and he was but ten years of age. After the death of his father his mother's health began to fail, and in her letters to him she begged him to come home to her. His love for his mother outweighed every other consideration, and he, taking advice from older comrades, deserted and went directly home, in the year 1864.

When we consider his age when he enlisted the service, his record as a soldier—a braver boy never lived—the death of his father in the Army, his mother's condition, and the advice of older comrades, we can but feel that his act should be condoned, and we most respectfully ask that the charge of desertion be removed and that he be granted an honorable discharge.

S. C. PIERCE,
*Late Lieutenant-Colonel, Third New York Cavalry.*
MAURICE LEYDEN,
*Late Major, Third New York Cavalry.*
MILTON H. SMITH,
*Late Lieutenant, Company C, New Third York Cavalry.*
B. J. SCOTT.
PETER H. BREWER.
GEORGE KARE.
JOHN G. JENKINS.

The amendment recommended by the committee, to add to the bill the words "and to grant him an honorable discharge under date of April 4, 1864," was read and agreed to.

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

JAMES A. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 5896) granting a pension to James A. Mitchell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-rolls the name of James A. Mitchell, of Keokuk, Iowa, late a private of Company C, Sixtieth Regiment of United States Colored Troops, and pay him a pension according to the provisions and limitations of the pension laws.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5896) granting a pension to James A. Mitchell, submit the following report:

James A. Mitchell, alias James Alfred, served as private in Company C, Sixtieth Regiment United States Colored Troops, from August 15, 1863, to October 15, 1865. On February 17, 1879, he filed his claim for pension on account of injury of right knee, incurred about November, 1863, by falling in a ditch and on his musket while on skirmish drill. The claim has been rejected by the Pension Office on the ground that the evidence tends to show that the present disability is due to a burn of the leg prior to enlistment, rather than to the alleged injury in the service.

The case has been specially examined, and claimant admits that when an infant the right leg was slightly burned, and that some years later his left leg was burned, but denies that there ever was anything wrong with his right knee or that he was in any way disabled at time of his enlistment. In this he is corroborated by the officers and enlisted men of the company, as well as neighbors who knew him at and prior to his entry into service.

Lieut. W. A. E. Tisdale, subsequently major and brevet lieutenant colonel of volunteers, testifies before the special examiner that while stationed at Keokuk, Iowa, in November, 1863, and while on drill, double-quick, some of the members of the company fell, and one of them was badly hurt and had to be helped back to camp. Has no doubt claimant was the identical man; knows that he was lame thereafter and placed on duty as a teamster. Comrades Teems, Lewis, and George Thomas testify positively to the injury on drill and claimant's subsequent lameness, while Comrades George Rebo, William Stuart, and Peter Holmes testify to the condition of the leg subsequent to the injury, and while under treatment in regimental hospital.

The records of the War Department fail to furnish any information as to alleged injury or treatment therefor, but do show that on December 22, 1863, at Helena, Ark., he was detailed for service in the ambulance corps, and continued in such service until mustered out.

There is an abundance of testimony showing beyond a doubt that claimant was in no way disqualified for the performance of military duty at time of enlistment and until his injury in November following, and that upon his return home and ever since he has been lame and otherwise badly disabled in the limb.

Medical examinations locate the injury as extending from patella to outside of knee-joint, over a space of 4 to 5 inches, with constant discharge. Dr. P. J. Payne, under date of December 4, 1889, says: "The present sore is at the bend of the knee, causing severe pain whenever the leg is flexed or extended in the least, and prevents claimant from doing any labor whatever that requires much or any moving about on his feet."

In the opinion of your committee the evidence shows that the service, and not the injury prior to enlistment, is responsible for the claimant's present disability, and therefore report favorably on the accompanying bill, and ask that it do pass.

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

JAMES A. HULL.

The next business on the Private Calendar was the bill (H. R. 8856) for the relief of James A. Hull.

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 A. Hull, father of Chauncey A. Hull, late a private in Company B, One hundred and ninth New York Volunteer Infantry.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8856) granting a pension to James A. Hull, have considered the same and report as follows:

The claimant's son, Chauncy A. Hull, entered the service as a private in Company H, One hundred and ninth New York Volunteers, on the 13th of August, 1862, at Binghamton, N. Y., and he is borne on the rolls as present to April 30, 1863. He was discharged the service May 6, 1863, on surgeon's certificate of disability, which states that "he has suffered for the last four months with dyspepsia very severely and has proved himself incompetent for duty on account of idiocy."

He again enlisted December 25, 1863; this time in Company B, One hundred and ninth New York (the same regiment in which he served his first term), and died on or about October 14, 1864, in Fifth Army Corps field hospital, City Point, Va.; cause of death not noted in the records.

James A. Hull, the father of the soldier, filed an application for pension November 11, 1879, alleging partial dependence upon the soldier at the time of the latter's death. This claim was rejected March 7, 1887, on the ground that death cause is unknown and dependence not established.

The claim was subsequently reopened by the Pension Bureau and sent out for special examination, but on July 14, 1888, it was again rejected on the ground "that soldier did not recognize his obligation to support his father, and died by reason of his own mental incapacity to take care of himself."

It is not denied that the soldier was not "bright," but the testimony as to the extent of his mental deficiency is conflicting. It seems, however, that his mental incapacity was not such as to prevent the Government from twice accepting his services as a soldier in the same regiment.

As to death cause: The evidence adduced upon the special examination of the case shows that for some time prior to his going to hospital the soldier suffered severely from disease of the liver or bowels, and there is nothing to rebut the presumption that naturally arises that he died of said disease. He died while still in the service.

The testimony shows that at and for some time prior to the time of the soldier's death his father, James A. Hull, was in poor health, being incapacitated to a considerable extent for the performance of manual labor by reason of rheumatism. In addition to this, it is shown that he was then and has been ever since a very poor man. He is now seventy-eight years old and in destitute circumstances.

The claimant and other members of his family state under oath that the soldier contributed to his (the claimant's) support by sending him money from the Army and that he made other contributions to his father's support. Many of the witnesses testify that they have no knowledge that the soldier ever contributed anything to his father's support, and believe him to have been mentally incapable of doing any work by which he could be enabled to aid his father. It is shown, however, that the soldier did fatigue duty, such as wood-chopping and work around the cook-house while in the service, and your committee believe that if he could do work of that character he could also do such work around a farm as would aid his father and family.

It also appears that the claimant lived in a thinly settled district, and the soldier could have done much in the way of farm work and other contributions to the support of the father and family without the fact becoming known to any one outside of the family.

It is apparent that if the relief contemplated by the bill is granted the claimant can not, in view of his great age and disabled condition, remain long upon the bounty of the Government.

After a review of all the facts, your committee return the bill with the recommendation that it do pass.

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

MARGARET MALLOY.

The next business on the Private Calendar was the bill (H. R. 9772) for the relief of Margaret Malloy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, directed to place upon the pension-roll, subject to the limitations and provisions of the pension laws, the name of Margaret Malloy, as dependent mother of James Malloy, late of Company D, Third Massachusetts Cavalry.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9772) granting a pension to Margaret Malloy, submit the following report:

Claimant is the dependent mother of James Malloy, who enlisted June 25, 1862, and was discharged October 23, 1864, and thereafter served in Captain Knowles's company of special scouts, and while on such duty as a special scout in advance of the command of General A. J. Smith, on the march from Mobile to Montgomery, was, on or about April 20, 1865, shot and killed. This claim was rejected in the Pension Office on the ground that the death of the soldier was after his discharge from the regular service and while enrolled as special scout.

The testimony of General Canby, of Captain Knowles, and others shows the soldier to have been a man of remarkable daring and courage and that his services were of an exceptional order. He was the support of his mother, who is now old and poor, and cared for by the charity of the Little Sisters of the Poor.

In view of the foregoing your committee recommend the bill do pass.

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

ELIZA B. DORRANCE.

The next business was the bill (H. R. 1676) to pay to Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy, a pension.

The bill was read, as follows:

*Be it enacted, etc.*, That from and after the passage of this act there be allowed and paid to Mrs. Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy, a pension at the rate of $40 per month during her widowhood, in lieu of the pension she is now receiving.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1676) granting an increase of pension to Eliza B. Dorrance, widow of the late Chaplain George W. Dorrance, United States Navy, have considered the same, and report as follows:

George W. Dorrance was appointed chaplain, United States Navy, January 2, 1860, and was retired February 14, 1873. He died December 11, 1888, of disease contracted in the service and line of duty, and his widow was placed upon the pension-roll under the general law at $20 per month.

In support of the bill (which increases her pension to $40 per month) Admiral David D. Porter makes the following statement: "Mrs. Dorrance is almost totally blind, and she has an invalid daughter dependent upon her for support; she has almost no means of livelihood except her pension." The admiral concludes by expressing the hope that in view of the necessities of the widow the bill for her relief will be passed.

Rear-Admiral Jouett, United States Navy, certifies that the case is a most worthy and deserving one.

When the claimant's application was under consideration by the Pension Bureau it was made special because of her necessitous condition.

In view of the facts stated your committee think the relief prayed for should be granted, and the passage of the bill is therefore recommended.

NOTE.—Amend the title so as to read: "A bill increasing the pension of Eliza B. Dorrance," etc.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed the title being amended so as to read: "A bill increasing the pension of Eliza B. Dorrance, widow of the late George W. Dorrance, chaplain United States Navy."

WINEMAH RIDDELL.

The next business was the bill (H. R. 1890) to pension Winemah Riddell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Winemah Riddell, and to pay her, from and after the passage of this act, during life, the sum of $25 a month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1890) granting a pension to Winemah Riddell, have considered the same, and report:

A similar bill was reported to the House by your committee at the first session of the Fiftieth Congress. The number of the report is 1413, and your committee adopt as their report so much of the same as is applicable to this bill, and return the bill to the House with the recommendation that it do pass.

[House Report No. 1413, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 2804) to pension Winemah Riddell, having considered the same, report as follows:

The report of Hon. A. B. Meacham, chairman special commission to the Modocs, upon the late Modoc war, and contained in the report of the Commissioner of Indian Affairs for the year 1873, shows that the objects to be attained by the Modoc Peace Commission were: First, to ascertain the causes which have led to the difficulties and hostilities between the United States troops and the Modocs; and, secondly, to devise the most effective and judicious measures for preventing the continuance of these hostilities and for the restoration of peace.

"Messengers were employed to visit the Modocs and arrange for a meeting: First, Bob Whittle and wife, Matilda (an Indian woman), were sent February 19 with instructions to announce to them the presence of and desire the commission to arrange for a council meeting with a view of adjusting the difficulties that existed, and to prevent a reopening of hostilities; also to ascertain with whom the Modocs would prefer to arrange the contemplated council.

"Whittle and wife returned on the 20th, and reported the Modocs willing and anxious to "meet Riddell and Fairchilds to conclude details" for the proposed meeting. Fairchilds was intrusted with the message, and, accompanied by Riddell and Artina (a Modoc woman), visited the Modoc camp, a distance of 20 miles from headquarters, with a 'message to Modocs,' as follows: 'Fairchilds will talk for the commission; what he agrees to we will stand by. He can not tell you any terms, but will fix a time and place for a council talk, and that no act of war will be allowed while peace talks are being had; no movements of troops will be made. We come in good faith to make peace. Our hearts are all for peace.' This message was signed by Meacham, Applegate, and Case, with the approval of General Canby.

"Fairchilds and party returned on the 23d, and reported the Modocs as willing and anxious for peace, but had not arranged for a meeting, because they were 'unwilling to come out of the lava-beds.'

"This proposition was not agreed to, but a request for Judge Steele, of Yreka, to visit them was made, and in compliance he was sent for, with the hope on our part that, from his intimate acquaintance with these people, he might secure the meeting. Judge Steele arrived at headquarters of commission on the 4th of March, and the board of commissioners were called together, now consisting of Applegate, Case, Meacham, and Judge Roseborough, who had been added at the request of General Canby. Steele, being present, accepted the mission as messenger to arrange for the meeting of commission and the Modocs, but unwisely was authorized to offer terms of peace, which was 'a general amnesty to all Modocs on condition of their full and complete surrender and consent to remove to a distant reservation within the limits of Oregon or California.'

"He was further instructed to say to them that 'General Canby would make peace and conclude terms.'

"On the 5th of March, in company with Riddell and Toby, Fairchilds, and R. H. Atwell as reporter, Judge Steele visited the Modoc camp.

"Failing to secure a meeting of the commission and Modocs, made then, under instruction, the proposition above referred to, also stating that General Canby was authorized to conclude the arrangement for the surrender and removal. The propositions were not well understood, and created some discussion among the Modocs.

"Captain Jack, speaking for the people, accepted the terms offered, though protests and evidences of dissatisfaction were evidently made. Steele had not, however, seemed to aware of this fact, for on his return to headquarters he reported that 'peace was made; they accept.' A general feeling of relief followed, couriers were summoned to bear dispatches, when Fairchilds, who had been with Steele, declared that 'there was some mistake; the Modocs have not agreed to surrender and removal.' The Modoc messengers who had accompanied Steele and party to headquarters were questioned, when it was discovered that some misunderstanding existed.

"Steele, however, confident that he was correct, proposed to return to the Modoc camp and settle the matter beyond question. On Steele's second visit Fairchilds declined going, fearing, as he said, 'that the Modocs would feel outraged by Steele's report.' Atwell again accompanied Steele, who, on arrival, or soon thereafter, discovered that a great mistake had been made in reporting the first visit.

The demonstrations were almost of hostile character. He was accused of reporting them falsely and working against their interests. His long acquaintance with Captain Jack and Scar-Faced Charlie, and consequent friendship, saved him and party from assassination; these two men, and one or two others, standing guard over him throughout the night.

"The following morning he averted the peril by proposing to return and bring the commission with him, and on this promise he was allowed to depart. On his return to headquarters he made a full report of the visit, stating the facts above referred to, and warning the commission of the danger of meeting the Modocs except on equal terms and on neutral ground, and expressing the opinion 'that no meeting could be had, no peace could be made.'

"The substance of these reports and conclusions were forwarded to the honorable Secretary of the Interior, who replied as follows:

"'WASHINGTON, D. C., *March* 5, 1873.

"'I do not believe the Modocs mean treachery. The mission should not be a failure. I think I understand their unwillingness to confide in you. Continue negotiations. Will consult the President and have the War Department confer with General Canby to-morrow.

"'C. DELANO.

"'To A. B. MEACHAM,
"'*Fairchilds' Ranch, via Yreka, Cal.*'"

"On the day following Steele's return from the second visit a delegation of Indians from the Modoc camp arrived. Mary (sister of Captain Jack), acting as messenger, proposed that, if General Canby would send wagons to meet them, the Modocs would all come out and surrender on the terms proposed by Steele on the first visit. General Canby, then acting under the authority of the vote of the commissioners transferring the whole matter to his care, accepted the proposition and named a day on which the final surrender should be consummated. However, before the time appointed, messengers arrived from the lava beds, asking for further time to arrange for leaving camp, alleging that they were then burying their dead and could not come at the time appointed, but would comply at a subsequent period.

"General Canby appointed another day, and assured the messengers that unless they were faithful to the compact he would take steps to compel compliance.

"The day before the appointed time, Toby Riddell informed General Canby of intended treachery on the part of the Modocs, saying 'No Modocs come; maybe come to steal teams; they no give up.' Her warning was not accredited.

"The wagons were sent. Applegate, sanguine of the surrender, resigned and returned to his home, believing that 'peace was made.' Mr. Case, who had been relieved at his own request, had also left headquarters. Messengers had been sent to the Department at Washington announcing the anticipated result, and the whole country was rejoicing, when, late on the evening of the appointed day, the wagons sent out by General Canby returned without the Indians. All of which was made known to the Department. Further negotiations seemed to be hopeless; nevertheless, knowing the anxiety for the peaceable solution of the troubles, we continued to seek a meeting.

"Instructions were received from headquarters from the honorable Secretary of the Interior, 'to continue negotiations,' and further continuing the commission, General Canby moved headquarters to 'Van Bremens,' and with him the commission moved. Soon after Dr. Thomas was added to the commission, also, L. S. Dyar, United States Indian agent, of Klamath. Meanwhile a herd of Indian horses had been captured by Major Biddle, notwithstanding the commission had informed the Modocs, through messengers, that no act of war would be permitted. Failing to arrange on satisfactory terms for a council meeting, the commission was notified by General Canby of the intended movement of troops nearer the Modoc camp.

"The movement was made and headquarters again changed, this time to the foot of the bluff, and within 2 miles of the Modoc stronghold. On the 2d of April the commission, including General Canby, met the Modocs for the first time, about midway between the Modoc camp and headquarters. No conclusions were arrived at, a severe storm coming up compelling adjournment, not, however, until an agreement had been made for the erection of a council-tent.

"Riddell and his wife, Toby, expressed the opinion, on our return to camp, that treachery was intended, but the warning was not respected. On the 4th of April a request was made by Captain Jack for me to meet him and a few men at the council-tent. After a consultation with the board I went, accompanied by Judge Roseborough and J. A. Fairchilds, Riddell and his wife, Toby, as interpreters.

"The Modoc chief was accompanied by six warriors and the women of his own family. He (Jack) remarked that he felt afraid in presence of General Canby and Dr. Thomas, saying "but now I can talk." He reviewed the whole question from the beginning, mentioning the Ben Wright treachery; the insults of the Klamath Indians while his people were on the reservation; the failure of Captain Knapp, acting agent of Klamath, to protect him, and his several removals while there, but made no complaint of want of subsistence; denied ever killing horses for food, but insisting that Agent Knapp 'had no heart for him;' complained that Superintendent Odeneal had not visited him, and that Odeneal's messengers had promised to come again before bringing soldiers; that Major Jackson had attacked him before he was up in the morning of November 29, 1872; complained also of the citizens taking part in the battle at that time, declaring that had 'no citizens been in the fight, no Indian women and children would have been killed, no citizens would have been murdered;" saying his young men had done a great wrong while in hot blood, but that he could not control them any more than bad white men were controlled by American law; and feeling that he could never live in peace with the Klamaths, but wanted a home, 'just the same as a white man on Lost River, the soldiers taken away and the war would stop.'

"On being assured that, since blood had been spilled on Lost River, he could never have it in peace unless the Lost River murderers were given up for trial, he abandoned the request as far as his old home was concerned, saying, 'I give up home; give me this lava-bed; no white man will ever want it.' Again assured that no peace could be made or soldiers removed while his people remained in the lava-bed, but was informed that a new home would be given him and provision made for clothing and subsistence.

"He was unwilling to surrender his men who killed the citizens, saying that the governor of Oregon had demanded their blood, and that the law of Jackson County would kill them;" remarking that the 'law was all on one side, was made by the white man, for white men, leaving the Indian all out,' finally declaring that he could not control his people, and that he would die with them if no peace was made.

"No terms were agreed to or further meetings arranged for at that time.

"On the day following Toby Riddell was sent with a proposition to Captain Jack to surrender with such others as might elect to do so. He declined the terms. On her return the messenger was warned of the intended treachery, which she reported to the commissioners and General Canby. This warning was not treated with the respect due the informer. Dr. Thomas questioned a Modoc afterward as to the truth of the report, which being denied, and the name of the author demanded, he replied, 'Toby Riddell.' The same party, of whom Dr. Thomas had made inquiry, was informed by General Gillem 'that unless peace was made very soon the troops would be moved up nearer the Modoc stronghold, and that 100 Warm Spring Indians would be added to the army within a few days.' All of which was reported in the Modoc camp.

"On the 8th of April a messenger visited the commission, asking for a 'peace talk,' saying that six unarmed Modocs were at the council-tent in the lava bed, anxious to make peace, and asking the commission to meet them.

"The signal officer at the station overlooking the lava beds reported the 'six Indians, and, also in the rocks behind them, twenty other Indians, all armed.' Treachery was evident, and no meeting was had; further negotiations appeared useless and unsafe.

"On the morning of the 10th of April a delegation from the Modoc camp arrived with renewed propositions for a meeting. The terms proposed were that, if the commission, including General Canby and General Gillem, would come next day to the council tent, unarmed, to meet a like number of unarmed Modocs, thus proving the confidence of the commission in the Modocs, 'that they (the Modocs) would all come to headquarters and surrender on the day following.' Dr. Thomas, who was then acting as (temporary) chairman, submitted the propositions to General Canby. After consultation they decided to accept.

"On the fatal morning of Friday, April 11, the commission held a meeting, and the propriety of keeping the appointment was discussed; Dr. Thomas insisting that it was a duty that must be performed; General Canby saying 'that the importance of the object in view justified taking some risk;' Commissioners Dyar and Meacham recounting the evidences of premeditated treachery, and giving opinions adverse to the meeting. The interpreter, Frank Riddle, appeared before the board and repeated the warning given by Toby, his wife, and saying further, 'that if the meeting must be had, he wanted to be free from responsibility; that he had lived with Toby for twelve years, and she had never deceived him; that if the commission went, it should be armed.' However, General Canby and Dr. Thomas insisted that the compact should be kept, the general remarking that from the signal station a strict watch had been kept, and 'only five Indians, unarmed, were at the council tent;' and further, that a 'watch would be kept on the council tent, and in the event of an attack the Army would come to the rescue.'"

Without following further the report, the result of the appointment above referred to is more comprehensively stated in a lecture prepared by Colonel Meacham, and which he delivered in Park Street Church, Boston, Mass., on the 24th of May, 1874, the substance of which is as follows:

"The preparations for keeping the appointment were being made when Winemah Riddell and her husband made a last protest against the fulfillment of the unwise compact. Dr. Thomas was unwilling to abandon the effort. Commissioner Dyar agreed with me (Colonel Meacham) that the meeting should not take place. General Canby maintained his views, and gave orders for a watch to be kept at the signal station; then, giving some private instructions to his secretary, he dressed in full uniform, without arms, and called for Dr. Thomas. Together they walked off, side by side, towards the peace tent, one mile away. Having failed to dissuade them from going, I had no honorable alternative but to follow.

* * * * * * *

"I prepared to go, and caught the halter of my horse, intending to mount, when Winemah, unable to suppress her fears, snatched the halter, and winding it around her waist, threw herself upon the ground and cried most earnestly, '*Do not go; you will be kill.* The Modocs mad now. Meacham, you no go.' Her entreaty moved me, and I relaxed my grasp of the halter, and calling to General Canby and Dr. Thomas, went to them and renewed my protest against going unarmed.

"They were immovable. I then for the first and only time in my life made use of my fraternal relations to induce them to assent to a promise on my part, as chairman of the commission, to withdraw the army if we found satisfactory evidences of premeditated treachery. This proposition was emphatically rejected also.

"Seeing no alternative, I returned to the commissioners' tent, handed my valuables to Mr. Fairchilds, and securing a promise from him that if my body should be badly mutilated it should be buried in the rocks of the lava-beds and not sent to my family, I sought again to mount my horse, when Winemah caught me by the coat and endeavored to detain me.

"Firmly refusing to remain in camp, I bade Winemah and her husband follow, and rode off to the council tent in the lava-beds, accompanied by Commissioner Dyar. Winemah parted with her boy, and with steady nerve mounted her horse and joined Mr. Dyar and myself. Mr. Riddell hastily arranged his business affairs, and also joined us on his danger-fraught ride.

"General Canby and Dr. Thomas were the first of our party to arrive. They were greeted by the Indians with extreme cordiality, General Canby giving to each a cigar. Instead of five unarmed men, including Scar-face Charley, as promised by Boston Charley in negotiating for the council, we found eight well-armed desperadoes, including the notorious cut-throats Hooker Jim and Black Jim. Captain Jack seemed anxious and ill at ease, and did not exhibit the friendship the others of his party pretended.

"General Canby was calm and thoroughly self-possessed. Dr. Thomas did not appear to note any suspicious circumstances, but was endeavoring to impress the Indians with his good intentions. I made my election to abide by the consequences. I knew that the horse beneath me was one of the fleetest in the Modoc country, and notwithstanding the rocky trail could carry me out of danger with a few bounds, which he seemed more than willing to make at the slightest invitation, I made up my mind that Canby and Thomas should not be endangered by cowardly flight on my part.

"Withdrawing my overcoat and hanging it upon the horn of the saddle, I dismounted, dropping the rope halter to the ground, leaving his horse free. Mr. Riddell secured Winemah's horse, and we all gathered round the council-fire.

"Before the talk began I sat down facing the chief and opened the council by referring to the proposition made the day before by Boston Charley, and continued by saying that we were ready to complete the arrangements for peace. Captain Jack asked if we were willing to remove the soldiers from the lava-beds and give his people a home in the country. I felt that if his demand was met we could escape, and although General Canby had refused to allow me to make this promise, I thought that, convinced as he must be of intended treachery, he would feel justified in assenting to the request. Cautiously turning to him I asked him to talk.

"After a moment's waiting he rose and stood erect. Every eye was upon him. All seemed to feel that if he assented to the withdrawal of the army the trouble would be passed over. Whether General Canby realized the situation with all its fearful possibilities and would not swerve even then from his purpose, or if he still thought the Modocs had not the desperate courage to execute this plan, can never be known. If he said the soldiers can be removed, the phantom would pass as a dream. If he said they should not be withdrawn, the phantom must soon become a terrible reality.

"With dignity that was peculiar to that brave soldier, he firmly pronounced his own death sentence, as well as that of Dr. Thomas, by saying that the 'soldiers could not be withdrawn.'

"Again and again the Modoc chief repeated the demand for the removal of the soldiers. General Canby, having once refused, was mute. Turning to Dr. Thomas, who was sitting at my left, I asked him if he wished to talk. The doctor dropped forward on his knees, and made the last proclamation of peace. He assured the Modocs that he was a friend to them; that God had sent us to them as messengers of peace.

"The Modoc chief leaned forward and touched me on the arm. He once more declared that no peace could be made until the soldiers were taken away, as he rose and turned his back to General Canby. I believe that to this time Captain Jack had hoped it would be granted, and thereby bloodshed avoided. Schonchin sprang to the seat vacated by Captain Jack, and in loud, angry tones repeated the

ultimatum. Winemah had thrown herself on the ground in front of Dr. Thomas and was interpreting Schonchin's speech at the moment when Captain Jack gave the signal, "Kan-Tux" (all ready). Almost at the same instant the Modoc yell broke from the rocks, and two braves sprang forward bearing rifles.

"Captain Jack drew a pistol and shot General Canby, the ball striking him in the face. 'Ellen's man' joined him in the attack. General Canby did not fall until he had run 40 or 50 yards, when a shot struck him in the back of the head. His assailants came upon him, and, shooting him again, stripped him of his clothing, turned his face downward, and then left him.

"Dr. Thomas received a shot from the hand of Boston Charley. He sank slowly, catching by his right hand. He was permitted to get upon his feet and stagger away a few rods, his murderers taunting him with not believing Winemah, jeering him, and ridiculing his religion and the failure of his prayers. Finally, pushing him down, they shot him through the head, stripped him, and turning him also upon his face, gathered up the dripping garments, and joined the other murderers at the council fire.

"Dr. Dyar, having his horse for a cover when the attack was begun, made good his escape, although pursued by Hooker Jim. Mr. Riddell escaped by running, covered by Scar-Face Charley's rifle, who declared that it 'was unworthy of a Modoc to kill unarmed men.' Simultaneously with the attack on General Canby and Dr. Thomas, Shonchin sprang to his feet, and, drawing both a knife and a pistol, shouted 'Chock-e-la' (blood), pointed at my head and discharged the pistol, the bullet tearing through the collar of my coat and vest. Before the next shot Winemah was between him and his victim, grasping his arms and pleading for my life.

"I walked backwards 40 yards while my heroic defender struggled to save me. Shacknasty Jim joined Schonchin in the attack, while Winemah, running from one to the other, continued to turn aside the pistols aimed at me until I went down. After I fell I raised my head above the rock over which I had fallen, and at the instant Schonchin aimed at me so correctly that this shot struck me between the eyes and glanced out over the left eye, which was blinded. A shot from Shacknasty Jim struck me on the right side of the head over the ear, which stunned me and I became unconscious.

"From Winemah and Scar Face Charley I learned that Shacknasty Jim robbed me of my clothing in part, notwithstanding Winemah's expostulations; that while Jim was unbuttoning my shirt collar one of the other murderers came up with a gun and pointing at my head was just in the act of touching the trigger when Jim pushed the gun up and said, 'Don't shoot any more. Him dead; he not get up; I hit him high up; save the powder.' Having taken my coat, pants, and vest, they left me, saying to Winemah, 'Take care of your white brother.' Winemah wiped the blood from my face and straightened my limbs, believing me dead.

"Boston Charley drew a knife, which, however, was a dull one, and began the difficult task of scalping a bald headed man, and what added to the difficulty was the strong arms of Winemah, grasping him and hurling him, as though he was but a boy, to the rocks beside me. But Boston had Modoc persistency, and springing to his feet, with his pistol he struck her a blow upon the head, at the same time threatening to shoot her should she again interfere, and resumed the delicate task.

"Winemah, dazed by the blow for a moment, in half bewilderment, saw the dull blade cutting down to the bone, while Boston, enraged and impatient, set one foot upon the back of my neck, and muttering curses in broken English, succeeded in cutting a circle almost around the upper part of my head, and had already so far lifted the scalp that he had inserted the fingers of his left hand beneath it, preparatory to tearing it off, when Winemah, recovering her presence of mind, resorted to strategy, shouting exultingly, 'Kap-ko Bostee-na-soldier,' (soldiers coming), and Boston left his work unfinished."

From the foregoing statement of facts, it is evident that had the Modoc peace commissioners listened to the persistent persuasions of Winemah Riddle, reiterated by her over and over again, the families and friends of the lamented Dr. Thomas and General Canby would not have been called upon to mourn their atrocious death; and in view of the fact that Winemah Riddle saved the life of such a useful and noble man as Col. A. B. Meacham, and proved herself to be the friend of the white man at the risk of her own life, your committee feel constrained to report these facts for the consideration of the House.

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

WILLIAM J. KLINE.

Mr. CHEADLE. I ask unanimous consent for the present consideration of the bill (H. R. 1367) to remove the charge of desertion against William J. Kline.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of William J. Kline, late a private soldier of Company E of the Twenty-ninth Regiment of Indiana Volunteers, and remove the finding of court-martial sentencing him to hard labor and dishonorable discharge, with loss of all pay and bounty, and to pay him all pay, bounty, and allowances as may be due him, without reference to the decision of said court-martial, and to grant him an honorable discharge and all proper relief.

Mr. KILGORE. It would seem to me there ought to be some amendment to this bill.

Mr. CHEADLE. The facts in the case are these: This soldier, after serving three years and a half, committed some violation of military law, for which he was sentenced to imprisonment; and he escaped from prison. For this reason he could not secure from the War Department a correction of his military record, and it became necessary to come to Congress. The Committee on Military Affairs has reported in favor of the bill.

Mr. KILGORE. Well, there is a proposition to pay him everything that was due him. I do not know how much was due him, but I think it ought to be enough for the beneficiary that he should have the charge of desertion removed.

Mr. CUTCHEON. It has been the custom with the committee to strike out the back pay and allowances. I do not remember the circumstances of this particular case.

Mr. CHEADLE. I ask that the report be read.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1367) entitled "An act to remove the charge of desertion against William J. Kline, late a private soldier of Company E, of the Twenty-ninth Regiment of Indiana Volunteers," having had the same under consideration, after a careful investigation of the facts, submit the following report:

We find that the said Kline was enrolled September 21, 1861, to serve three years; that on the 18th day of December, 1863, he re-enlisted as a veteran volunteer, and served faithfully until on or about March 14, 1865, when he was arrested, court-martialed, and sentenced to be imprisoned for the remainder of his term of enlistment with forfeiture of pay, and that he be dishonorably discharged the service.

The proceedings, findings, and sentence were duly approved June 6, 1865.

He was put in prison at Chattanooga, Tenn., June 6, 1865, and guarded until the 1st day of August, 1865, when he escaped from prison, and went to his home.

His term of enlistment would not have expired until December 2, 1865. Prior to this date and while in prison he escaped. This escape is held to be a desertion, and Congress not having authorized the removal of charges of desertion when the desertion occurred after May 1, 1865, no relief can be granted the applicant by the War Department.

Your committee find that Kline served three and a half years faithfully prior to his arrest; and we further find that his captain was not on good terms with him, and prosecuted him with unusual malice. In view of this and the fact that Kline served until the end of the war, and was confined more than two months for the offense committed, we think he was sufficiently punished, and that justice demands that the charge be removed and that he be paid all amounts of pay and bounty due him. We therefore submit a favorable report and recommend that the bill do pass.

Mr. CUTCHEON. Mr. Speaker, if this had been an ordinary case of desertion after May 1, 1865, it would have been removable under the general statute at the War Department. But the fact is that this man escaped from imprisonment while undergoing a sentence of a court-martial, and therefore it presents a different question. I do not remember the facts of the case. I do not think I was present when it was considered.

Mr. CHEADLE. The evidence is that there was no more faithful soldier in the command.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HENRY W. BURLINGAME.

On motion of Mr. BURROWS, by unanimous consent, the bill (H. R. 4728) for the relief of Henry W. Burlingame was considered.

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 Henry W. Burlingame.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 4728) for the relief of Henry W. Burlingame, beg leave to report:

That it appears from the records of the War Department that Henry W. Burlingame was drafted into the service of the United States October 22, 1864, from South Haven, one hundred and tenth subdistrict, Second Congressional district of Michigan, and exempted by the board of enrollment of said district by reason of "loss of right hand."

It further appears from the evidence submitted to the committee that in obedience to said draft said Burlingame started to report at Kalamazoo, Mich., as directed, for examination and enrollment into the service of the United States, and that while on his way to that city, on or about the 1st day of November, A. D. 1864, the said Burlingame, in company with one Abram Johnson, who testifies in the case, went by train from Lawton to Kalamazoo, Mich., and while on said train, in the night-time, it being dark, rainy, and storming, the locomotive whistle gave the signal for a station and the train made a short stop at the village of Oshtemo, a railroad station near the said city of Kalamazoo, when said claimant, the said Henry W. Burlingame, and the said Abram Johnson mistook said station to be Kalamazoo and stepped off the train, but upon being informed of their mistake they immediately attempted to get aboard the train, and in so doing the said Henry W. Burlingame accidentally slipped and fell between the cars and injured his right hand to such an extent that upon his arrival at Kalamazoo the army surgeon, Dr. Hitchcock to whom he reported, advised the amputation of and did himself amputate said Burlingame's right hand above the wrist, and as a result of the loss of said hand he was afterwards exempted from enrollment.

Under the law said claimant can not obtain a pension, as he was never enrolled in the service of the United States, and therefore his only relief is by special act of Congress.

In view of the fact that the claimant in this case was thus severely maimed and crippled for life while responding to the orders of his Government, and that he is now in indigent circumstances and is dependent upon his own personal labor for the support of himself and his family, your committee are of the opinion that he should be placed on the pension-roll, and therefore report the bill back with a favorable recommendation.

WAR DEPARTMENT, *Washington City, June 19, 1890.*

SIR: Referring to your communication of the 16th instant, requesting a copy of the record of Henry W. Burlingame, who was drafted from Van Buren County, Michigan, in 1864, I am directed by the Secretary of War to inform you that the records show that he was drafted October 22, 1864, from South Haven, one hundred and tenth subdistrict, Second Congressional district of Michigan, and exempted by the board of enrollment of said district by reason of "loss of right hand."

Very respectfully,

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

Hon. J. C. BURROWS,
*House of Representatives.*

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

MARTHA A. FOSTER.

On motion of Mr. BURROWS, by unanimous consent, the bill (H. R. 6356) for the relief of Martha A. Foster was considered.

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 Martha A. Foster, widow of David A. Foster, late of Company I, Twelfth Michigan Infantry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R.

6356) for the relief of Martha A. Foster, have had the same under consideration, and beg leave to make the following report:

It appears from the examination of the files in this case in the Pension Office that David A. Foster enlisted in Company I, Twelfth Regiment Michigan Volunteer Infantry, on the 14th of October, 1861, for three years or during the war, and that he was subsequently wounded at the battle of Pittsburgh Landing on the 6th of April, 1862, and died from the effects of such wound at the marine hospital at Allegheny, Pa., May 2, 1862.

His widow, the claimant named, was pensioned shortly after the death of her said husband and drew a pension as such widow until about the 1st of March, 1872. On the 12th of March, 1872, she contracted a second marriage with a man by the name of Isaac Wilson Chadwick, with whom she lived about one year and a half, when, by reason of his extreme cruelty, she was compelled to leave him, which she did.

Shortly after, the said Chadwick, by fraud and misrepresentations, procured a divorce and immediately after married another woman.

The claimant in this case was induced to contract this second marriage upon representations by the said Chadwick that he was a man of abundant means, and that he would secure to her during her natural life the pension she was then drawing. This he not only refused subsequently to do, but by his extreme cruelty forced her to sever her relations with him.

It further appears that the claimant is sixty-eight years of age and almost entirely destitute of means of support.

The committee, therefore, under the circumstances, report the bill back to the House with a favorable recommendation.

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

MRS. CHARITY P. HARRISON.

On motion of Mr. BURROWS, by unanimous consent, the bill (H. R. 6359) for the relief of Mrs. Charity P. Harrison was considered.

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 Mrs. Charity P. Harrison, late a nurse in the Army of the United States, and that she be granted a pension at the rate of $25 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6359) granting a pension to Charity P. Harrison, submit the following report, and recommend the passage of the bill, amended by striking out the words "twenty-five," in line 8, and inserting "twelve" in place thereof.

The report is as follows:

The petition of Charity P. Harrison, a resident of Cassopolis, Mich., of the age of fifty-seven years, respectfully shows that from January 15, 1863, till the close of the war of the rebellion she was with some military organization and acting in the capacity of a nurse, much of the time at her own expense, without pay from any source; that part of the time she was enrolled as a nurse at the Columbian Hospital, Washington, and performed the duties of a hospital nurse at that place and Fredericksburgh till the war closed; that after enrollment she was paid 40 cents a day and rations, the nurses being mustered for pay once in two months, and signing pay-rolls in the hospital office; that her name is registered as a regular nurse in the Surgeon-General's Office and in the office of the medical director, at Washington, D. C.

That at the time she left home she was a strong, vigorous woman; that the duty performed while acting as a nurse in the service of her country, and sunstroke received while on duty at Fredericksburgh, greatly injured her general health, which is aggravated by and increasing with her advancing years; that she is in limited circumstances, her husband an invalid, and that her relatives and friends are not in circumstances that would justify her in calling on them for pecuniary aid.

She therefore prays, in view of the very small sum paid her by the United States for services rendered during the best years of her life, that she may now be allowed a monthly pension for the remainder of her days, or such other just and reasonable remuneration as she may in equity and good conscience be found to be entitled to, and begs leave to refer to certain letters touching her services, herewith presented, from parties who had personal knowledge of her life while in the service of the nation. Also submit the letter of Dr. F. E. Marsh, and ask that it may be made a part of this report. This letter is as follows:

"I hereby certify that Mrs. C. P. Harrison was employed as a nurse in Columbian College Hospital, Washington, D. C., during my term of service of more than two years, 1863 to 1865, and that I was well acquainted with her during all of that time. She was capable, intelligent, and untiring in her labors to alleviate the distressed and suffering soldier, and in every way was counted among our best nurses, which embraced a corps of sixteen in number.

"I can not at this day particularize, but if attention to duty, correct deportment, modest demeanor, and christian character count in the make-up of a hospital nurse, these all were a part of her possessions, and were all laid upon the altar of her country. I bespeak for her a corresponding recognition at the hands of the Government.

"DR. F. E. MARSH,
"*Late Acting Assistant Surgeon, U. S. A., and*
"*Assistant Surgeon Ninth Regiment, Sixteenth Army Corps.*

"QUINCY, MICH., *December* 20, 1889."

The committee recommend the adoption of the following amendment: Strike out, in line 8, "twenty-five" and insert "twelve."

The amendment was adopted.

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.

CHARLES W. LAMBERT.

The next business on the Private Calendar was the bill (H. R. 5063) for the relief of Charles W. Lambert.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Charles W. Lambert so as to show him honorably discharged from Company F, One hundred and fifty-second New York Volunteers.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 5063) to amend the military record of Charles W. Lambert so as to show him honorably discharged from Company F, One hundred and fifty-second New York Volunteers, submit the following report:

The War Department records show that Charles W. Lambert was enrolled September 4, 1862, for three years in Company F, One hundred and fifty-second New York Volunteers, and served until February 9, 1863, when he is alleged to have deserted and never returned. The War Department records further show that Charles W. Lambert was enrolled September 4, 1863, for three years in Company G, First Michigan Volunteer Sharpshooters, and served until June 24, 1865, when he was mustered out of the service.

The claimant states that when he absented himself from Company F, One hundred and fifty-second New York Volunteers, without leave, he was sick and unfit for duty, and went to his parents at Chicago, and was there sick and unfit for duty until September 7, 1863, when he enlisted in Company G, First Michigan Volunteer Sharpshooters, under his own name. He alleges that he did not return to his former regiment because he was afraid to do so after being absent so long without leave.

The claimant further deposes and says that it is impossible for him to get medical evidence as to his physical condition while absent from his command at Chicago, and that it is impossible for him to obtain other evidence of persons who knew him at Chicago at that time, his parents having since died.

Evidence is furnished, however, of a former comrade in the company and regiment from which the claimant is alleged to have deserted, that he was sick and unfit for duty when he left the Army, and that he had been sick a month previous to the time of his leaving; also of a neighbor, who is the present postmaster of the town in which he resides, who states that he has been intimately acquainted with the claimant for thirty years, that he is a worthy citizen and honorable man, and that his reputation for truth and veracity can not be questioned.

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

MRS. MARGARET D. MARCHAND.

The next business on the Private Calendar was the bill (H. R. 10054) granting a pension to Mrs. Margaret D. Marchand.

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 Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10054) granting an increase of pension to Margaret D. Marchand, submit the following report:

Margaret D. Marchand is the widow of Commodore John B. Marchand, who enlisted as a midshipman May 1, 1828, and was retired as a commodore in 1870, and died April 13, 1875. The length of his service was forty-two years. He appears to have held the rank of lieutenant, United States ships Ohio and St. Mary's, United States Navy. When captain of the Lackawanna he contributed by his skill and bravery to the naval victory at Mobile Bay, a full account of which is found in report on a similar bill to this in the Forty-ninth Congress.

His widow was granted a Mexican war service pension at $8 per month in May, 1888.

The affidavits of Mrs. Marchand and Alice P. Thornton as to contraction of disease and cause of death originating in the service are as follows:

"On this 15th day of May, 1884, before me, Sprigg Harwood, clerk circuit court for Anne Arundel County, personally appeared Margaret D. Marchand, who, being duly sworn according to law, deposes and says as follows, to wit:

"In the year 1861 my husband, the late Commodore John B. Marchand, then commander, was in command of the steamer James Adgar, off Charleston, S. C., engaged in the naval service of the United States Government in the late civil war. At that date he was in robust health and perfect physical condition. He had always been a man of unusually robust constitution, weighing over 200 pounds, and of perfectly regular habits, and from the day of our marriage, to wit, the 11th day of November, 1856, until the date of his taking command of the steamer James Adgar, in 1861, have never known him to have any sickness with the exception of some trivial derangement of perhaps a day's duration, and never requiring any medical attendance. His habits throughout his entire life were uniformly regular and temperate.

"To the best of my knowledge he went upon blockade duty in the year 1861 in his usual health, and came to our home in Baltimore in 1864 broken down in health and much reduced in flesh after protracted blockade duty and after the severe engagements while in command of the United States steam-ship Lackawanna in Mobile Bay. At the date of his promotion to the rank of commodore, in the year 1866, for distinguished services, the usual physical examination was waived. Soon after this date symptoms of defective circulation commenced, manifesting itself in the ends of his fingers, they becoming bloodless and livid in color.

"In 1871 he was a frequent sufferer from violent pains in his chest. In the winter of 1873 and 1874 Commodore Marchand was confined to the house, suffering extremely from the swelling of his feet. In the winter of 1874 and 1875 he had hemorrhages of the lungs; the last of these hemorrhages was the immediate cause of his death. Dr. Mahan, of Pennsylvania, our family physican, who attended Commodore Marchand during the early periods of his sickness, is now deceased. Drs. Dale and Zeigler, who attended him at his death, pronounced his complaint from which death resulted to be heart disease.

"My belief is further strengthened by the information of Dr. Ridout, of Annapolis, Md., that the defective circulation, pains in the chest, and swollen limbs were all symptoms of the heart disease, which resulted in Commodore Marchand's death; and that all these symptoms and the disease which resulted in the commodore's death were produced by exposure consequent upon the continuous and excessive duties that he was called upon to perform while in the service of the United States Navy as above stated.

"MARGARET D. MARCHAND.

"Sworn to and subscribed the day and year first above written before me.
[SEAL.] "SPRIGG HARWOOD,
"*Clerk Circuit Court for Anne Arundel County.*

"On this 15th day of May, before me, Sprigg Harwood, clerk of circuit court for Anne Arundel County, personally appeared Alice P. Thornton, who, being duly sworn according to law, deposes and says:

"That she is a sister of the within-named Margaret D. Marchand, and that she has read and carefully examined the affidavit of her said sister hereto appended; that she has personal knowledge of the condition of health and different stages of disease that finally resulted in the death of Commodore Marchand; and also personal knowledge of the statements contained in the annexed affidavit, and that she verily believes the same to be true.

"ALICE P. THORNTON.

"Sworn and subscribed this 15th day of May, 1884, before me.
[SEAL.] "SPRIGG HARWOOD,
"*Clerk of Circuit Court for Anne Arundel County.*"

Commodore Marchand was an aged man when he was retired, and there can be no doubt during his long and faithful service he contracted the disease which caused his death. His widow is now sixty-six years of age.

In view of all the circumstances the committee recommend the passage of the bill with amendment. Change word "fifty" to "thirty."

The amendment recommended by the committee was adopted.

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

JAMES MORRISON.

The next business on the Private Calendar was the bill (H. R. 9370) to remove the charge of desertion from the record of James Morrison, alias James C. Mackintosh.

The bill is as follows:

*Be it enacted, etc.*, That the charge of desertion in the case of James Morrison, alias James C. Mackintosh, an enlisted man in the Navy, who deserted from the United States ship Lexington at Monterey, Cal., October 22, 1848, be, and and the same is hereby, removed from the record of his service.

SEC. 2. That the proper accounting officers of the Treasury Department are hereby authorized to settle the accounts for back pay, bounty, and allowances that may be due to said James Morrison, alias James C. Mackintosh, at the date of his desertion from the United States ship Lexington, and to pay the same from any money in the Treasury not otherwise appropriated, upon satisfactory proof being furnished to them by the said Mackintosh of his identity with the said James Morrison.

The report (by Mr. LODGE) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 9370) to remove the charge of desertion from the record of James Morrison, alias James C. Mackintosh, having duly considered the same, beg leave to report it back with the recommendation that the same do pass.

It appears from an examination of the facts in the case that James C. Mackintosh enlisted as a seaman in the United States naval service June 22, 1843, and served with credit on the United States steam-ships Ohio, Cumberland, and Franklin to the close of the Mexican war, when, his term of enlistment having nearly expired, he was transferred to the store-ship Lexington, and while attached to that vessel was doing shore duty at Monterey, Mexico.

In the mean time the gold excitement broke out in California, and he with seven other of his comrades were persuaded to leave for the "diggings." The mark of desertion was accordingly entered against his name on the rolls of the United States steam-ship Lexington, October 22, 1848. Returning to New York, in 1853, he again re-enlisted, under his right name of James C. Mackintosh, serving faithfully on the North Carolina, Constitution, and the Portsmouth. He was subsequently employed by the Ordnance Department at the Portsmouth (N. H.) navy-yard, until the outbreak of the war, when he enlisted on the Octorara. He was successively promoted as a petty officer, as a coxswain and gunners' mate, and at the battle of Mobile Bay was severely wounded in the head while at the wheel.

On recovering from his wound he successively re-enlisted again up to the year 1872, when he received an appointment as a watchman in the Boston navy-yard. The gallant Admiral C. R. P. Rogers, who was at that time the Chief of the Bureau of Yards and Docks, spoke of him as follows:

BUREAU OF YARDS AND DOCKS, *December* 5, 1872.

I have served with James Mackintosh during three cruises, one when he was a boy and twice as a petty officer. I beg leave to recommend him very strongly for employment at our navy-yard. Such faithful seamen well deserve the consideration of naval officers.

C. R. P. ROGERS, *Chief of Bureau.*

Mackintosh is still in the naval service, and was recently on duty on board the United States ship Galena. In view of his many years of faithful performance of duty, it seems to your committee that it will be but an act of simple justice to give him the relief asked for.

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

JOSEPH S. HENDERSON.

The next business on the Private Calendar was the bill (H. R. 4250) granting a pension to Joseph S. Henderson.

The bill is as follows:

*Be it enacted, etc.*, That the Commissioner of Pensions be, and he hereby is, empowered and directed to place the name of Joseph S. Henderson, late of Company H, Twenty-seventh Regiment Iowa Infantry, on the pension-roll, and that said pension be rated at $16 per month after the taking effect of this act.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4250) granting a pension to Joseph S. Henderson, submit the following report:

The applicant enlisted December 20, 1863, in Company H, Twenty-seventh Iowa Infantry, and was discharged November 15, 1865. He made application for pension on the ground that he contracted disease of the eyes in the service. The claim was rejected on the ground that he failed to prove, under the rules of the Department, that he contracted the disease while in the Army.

The proof abundantly establishes his soundness prior to enlistment and shows that he was for some months treated for a fever in hospital at Memphis, Tenn. Also that in 1865, and very soon after his discharge, he was suffering with inflammation of the eyes, from which he has never recovered, and that he is now almost totally blind.

Claimant testifies that disease of his eyes followed and was the result of the fever for which he was treated in hospital in 1864.

In view of the fact that claimant was a sound man at time of enlistment, and was suffering from disease of the eyes soon after discharge, and has been so afflicted ever since, and in view of his testimony, your committee believe the proof sufficient to justify the granting of a pension, and therefore recommend the passage of this bill.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from Kansas to the fact that this bill provides that the Commissioner of Pensions shall grant this pension. The usual form is the Secretary of the Interior.

Mr. MORRILL. That is a mistake in draughting the bill. It should be the Secretary of the Interior, and I move that amendment.

The amendment was adopted.

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.

WILLIAM J. TERNEY.

The next business on the Private Calendar was the bill (H. R. 10166) for the relief of William J. Terney.

The bill is as follows:

*Be it enacted, etc.*, That the charge of desertion standing against the name of William J. Terney, of Company H, Third Michigan Cavalry, be, and the same is hereby, removed, and the Secretary of War is hereby authorized and directed to issue to him, the said William J. Terney, an honorable discharge.

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

WILLIAM T. RHODES.

The next business on the Private Calendar was the bill (H. R. 8600) granting an increase of pension to William. T. Rhodes.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay William T. Rhodes, late of Company K, Twelfth Regiment United States Infantry, in war with Mexico, a pension at the rate of $25 per month, in lieu of the pension he is now receiving, subject to the provisions and limitations of the pension laws.

The report (by Mr. SMYSER) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8600) granting an increase of pension to William T. Rhodes, have considered the same and report:

The claimant enlisted June 6, 1847, as a private in Company K, Twelfth United States Infantry, and served in the war with Mexico until January 12, 1848, when he was discharged on surgeon's certificate of disability on account of pulmonary consumption.

He filed an application for a pension in the Pension Bureau March 22, 1879, alleging that he contracted lung disease in Mexico; but the examining surgeon reported no disability existing from said disease, and the claim was rejected. He was subsequently granted a pension at $8 permonth under the Mexican war service act, and the bill proposes to increase the same to $25 per month.

In his petition for relief the claimant avers that he has never recovered from the disease contracted in Mexico and that he is now sixty-five years old and owns no property whatever. He further states that his only source of income is his small pension, and he is obliged to depend for a support largely upon his wife and two children.

The truthfulness of the claimant's statement is vouched for by thirty-five neighbors and acquaintances, who indorse his petition. His inability to perform any manual labor by reason of nervous exhaustion and general physical debility is shown by the testimony of Dr. A. R. Scruggs, of Hart County, Kentucky.

In view of the facts stated, your committee are of the opinion that the case is a proper one for the action of Congress, and the passage of the bill is therefore recommended.

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

JONATHAN C. HUFFMAN.

The next business on the Private Calender was the bill (H. R. 3501) to remove the charge of desertion from the record of Jonathan C. Huffman.

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 amend the records in his office so as to remove the charge of desertion against Jonathan C. Huffman, late of Company E, Ninth Kentucky Volunteers, and grant him an honorable discharge from the service of the United States, as of date September 29, 1862.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3501) removing charge of desertion against Jonathan C. Huffman, having considered the same, respectfully report:

That the bill proposes to relieve Jonathan C. Huffman of the charge of desertion, as shown by his military record, as a member of Company E, Ninth Kentucky Volunteers, and grant him an honorable discharge to date from September 29, 1862. This soldier was mustered into said company November 26, 1861, and on October 4, 1863, was dropped as a deserter as having been absent without leave since September 29, 1862. On the 17th day of October, 1863, he enlisted in Company E, Fifty-first Indiana Volunteers, and served in that organization as chief musician until mustered out on December 13, 1865.

From the affidavits presented to the committee it appears the soldier was left sick at a hospital in Louisville, Ky., and that about October 1, 1862, he was sent, with others, to find his company, which was supposed to be at Bowling Green, Ky., and that on reaching that point he was told that the regiment had been disbanded, and that its members had gone to their homes. He then visited his brother in Indiana, and after he had, as he supposed, enlisted in the One hundred and eighteenth Indiana Regiment, he was taken sick, and on his recovery he applied to the adjutant-general of Indiana to be forwarded to this regiment. He was told that his name did not appear on the rolls of the regiment. He then enlisted in the Fifty-first Regiment Indiana Volunteers. All the facts of this case are set out in accompanying report of the War Department and affidavits.

Considering the age of the soldier at the time of his enlistment and the fact of his service of more than three years in the Union Army, and that he did not enlist in the second organization to receive a bounty, the committee recommend that the bill pass, amended in line 6 by inserting after the word "Company" the letter "E."

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*Case of Jonathan C. Huffman, Company E, Ninth Kentucky Volunteers.*

RECORD AND PENSION DIVISION, *May* 19, 1890.

A report in this case was furnished the House Committee on Military Affairs on House bill 3707, Fiftieth Congress, first session, on March 6, 1888, since which date the status of the soldier has not been changed either by the introduction of new testimony or by subsequent legislation.

The following is a copy of the report referred to, to wit:

"The official records show that Jonathan C. Huffman was enrolled September 24, 1861, and mustered in November 26, 1861, for three years as a private in Company E, Ninth Kentucky Volunteers; present with his company to the muster of February 29, 1862, and reported absent, sick in hospital at Louisville, Ky., on same rolls, up to the muster of March and April, 1863. On the muster for May and June, 1863, he was reported absent without leave in Metcalf County, Kentucky, since September 29, 1862, and on the return for October, 1863, he was finally dropped as having deserted October 4, 1862.

"On October 17, 1863, he enlisted under the name of John H. Taylor, for three years, in Company E, Fifty-first Indiana Volunteers, and he served with that organization until mustered out on December 13, 1865, as chief musician of the regiment.

"In his sworn application of June 19, 1886, for removal of the charge of deser-

tion, Huffman states 'that after a short treatment in hospital at Louisville, Ky., he, with others of his company, was forwarded about October 1, 1862, to his command, then supposed to be at Bowling Green, Ky.

"'When he arrived in the vicinity of his home he learned that his regiment had been disbanded by order of the colonel to visit their homes and rendezvous at Bowling Green, and he, not being able for duty, remained at home until about March 1, 1863; in the mean time he sent 'physician's certificate' to his regiment; his regiment's whereabouts was at that time unknown to him, and he went to Indiana and enlisted in the Fifty-first Indiana Volunteers.'

"It appeared to be clear from this statement, in any event, that instead of proceeding to his command (which was not disbanded at any time, as alleged) after his discharge from hospital in Louisville, Ky., about October 1, 1862, the soldier went to his home, and as he never reported to it after he reached home the record of desertion on October 4, 1862, is fully substantiated.

"The absence in desertion having exceeded three months, the case is not covered by the act of Congress approved May 17, 1886, and the application was denied under date of January 8, 1887."

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, U. S. Army.*

The SECRETARY OF WAR.

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STATE OF KENTUCKY, *County of Barren, ss:*

The affiant, I. N. Chinowth, states that he was first lieutenant in Company E, Ninth Kentucky Volunteers, and that Jonathan C. Huffman was a member of said company and regiment as private and drummer; that in September, 1862, while following the rebel General Bragg on his raid through Kentucky, the said Huffman was taken sick and left in hospital at Louisville, Ky.; that he being young and inexperienced in military affairs, and not knowing where his regiment was, he visited a brother, then living in Indiana, and while there enlisted in the Fifty-first Indiana Regiment.

Affiant further states that he has known the said Huffman all his life, and that he has always been of good moral habits, and while serving under affiant in Ninth Kentucky was a good and obedient soldier; and affiant is satisfied that Huffman had no intention of desertion when he enlisted in Fifty-first Indiana, neither did he do so in order to obtain any bounty or other considerations, but merely aimed to serve his country as a good soldier. Affiant further states that he has no pecuniary interest whatever in making this statement.

I. N. CHINOWTH,
*Late First Lieutenant Company E, Ninth Kentucky, and Captain Company A, Thirty-seventh Kentucky.*

Subscribed and sworn to before me by I. N. Chinowth, well known to me to be a reputable witness. Given under my hand this 16th day of December, 1889.

[SEAL.] J. T. WOOTEN,
*County Court Clerk.*

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STATE OF KENTUCKY, *County of Barren, ss:*

The affiant, J. C. Huffman, states that he was a member of Company E, Ninth Kentucky Infantry Volunteers of the war of the rebellion; that in September, 1862, while following the rebel General Bragg through Kentucky, he was taken sick and left in hospital at Louisville, Ky., where he remained for some months; he then started to join his command, which had gone to the front again; when he arrived at Cave City, Ky., he was so exhausted that he went to his home in Barren County, Kentucky, where he remained for about three months under the treatment of Drs. Hord and Watson, and had certificates of disability from them, both of whom are now dead.

In the early part of 1863 he again started to find his company and regiment, but being young and inexperienced in traveling, and not knowing where his command was, and still being in feeble health, he concluded to visit a brother living in Indiana. After remaining with his brother a few weeks he enlisted in the One hundred and eighteenth Indiana Regiment, then being recruited. In a few days after his enlistment in said regiment he was again taken sick, and the regiment was completed and mustered into the United States service while he was sick and left him. When he got able for duty he reported to the adjutant-general at Indianapolis, who examined the rolls of the said One hundred and eighteenth Regiment and informed him that his name did not appear on said rolls.

He then enlisted in the Fifty-first Indiana Regiment in the spring of 1873, and was honorably discharged from same. He further states that he had no intention of desertion from his first service, and was ignorant of the result of the course he had pursued, and was acting in good faith; that if he was in the service of his country he was in the line and discharge of his duty; he would have willingly joined his first regiment, where neighbors and friends were serving, if he had known where to have found them. He further states that his course was not to obtain a bounty or other money consideration, but simply to defend his country's call, and that he never received a dollar of bounty money in his life.

J. C. HUFFMAN.

Subscribed and sworn to before me by J. C. Huffman, to me well known to be a reputable person, and is so reputed in the community in which he resides, and all his statements are entitled to full faith and credit.

Given under my hand this 17th day of December, 1889.

I. N. CHINOWTH, *J. P., B. C.*

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

RICHARD CHRISTY.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 4778) pensioning Richard Christy, and I ask for its present consideration.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard Christy, late of Company F, One hundred and twenty-fifth Illinois Volunteer Infantry, now of Enon, Barber County, Kansas.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4378) granting a pension to Richard Christy, submit the following report:

Claimant enlisted in Company F, One hundred and twenty-fifth Illinois Infantry, August 7, 1862, was discharged June 9, 1865. Made application for pension in 1885, alleging the incurrence of piles and rheumatism in the Atlanta campaign. His claim was rejected at the Pension Office on account of no record and failure of claimant to furnish required evidence as to incurrence of disability. The Department, however, admits that the records of his regimental hospital were very incomplete. Claimant alleges that owing to the lapse of time his captain could not sufficiently recall the facts to warrant him in making affidavit and that his lieutenant and orderly sergeant are dead.

Joseph Wren makes affidavit that he has known claimant since 1855; that from his discharge to 1878 he resided within 3 miles of him; saw him about twice a week, and at times employed him; that at his return home after discharge he was suffering from piles and rheumatism, and continued to be so affected until 1878, at which time he lost sight of him. Another witness testifies that he has lived close neighbor to claimant since 1875, and that during all the time since his acquaintance he has continuously suffered from piles and rheumatism. Two other witnesses testify substantially to the same facts as to claimant's disability.

The examining board in 1885 found a very irritable condition of the anus, with a large hemorrhoidal tumor, muscles flabby, general health impaired. They gave him a rating of four-eighths for bleeding piles and three-eighths for general debility. Another examining board in 1888 found two additional disabilities. Owing to the fact that claimant served nearly three years, his good record as a soldier, and his evidence of continuous disability since discharge, your committee are disposed to give him the benefit of doubt as to incurrence, and recommended that the bill do pass.

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

MARTHA D. GUNNISON.

The next business was the bill (H. R. 9496) for the relief of Martha D. Gunnison.

The bill was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Martha D. Gunnison, Brooklyn, N. Y.

The report (by Mr. HILL) is follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9496) for the purpose of construing the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, having had the same under consideration, submit the following report:

Mrs. Gunnison is the widow of Capt. John W. Gunnison, United States Army. She was pensioned after the captain's death at $25 per month, but by subsequent general legislation her pension was reduced to $20 per month, the amount now received by her.

Your committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy, and the bill is therefore returned with a favorable recommendation.

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

ELLEN J. WHARTON.

The next business was the bill (H. R. 9564) for the relief of Ellen J. Wharton.

The bill was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Ellen J. Wharton, of Louisville, Ky.

The report (by Mr. HILL) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9564) for the purpose of construing the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, having had the same under consideration, submit the following report:

The committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy.

Mrs. Wharton is the widow of William L. Wharton, surgeon United States Army.

Her case is similar to that of Mrs. Jane M. McCrabb and others which have already received favorable action in the House.

The bill is returned with the recommendation that it do pass.

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

CHARLES L. BULLIS.

Mr. CUTCHEON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7267) to remove the charge of desertion from the service record of Charles L. Bullis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of Charles L. Bullis, late private in Company H, Eighty-third Regiment Pennsylvania Volunteers, and to grant an honorable discharge to the said Charles L. Bullis as a private of said company as of date of the 16th day of November, 1862.

The report (by Mr. SNIDER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7267) to remove the charge of desertion from the service record of Charles L. Bullis, having considered the same, respectfully report:

Charles L. Bullis, having served with fidelity and honor from August 8, 1861, till November, 1863, having been wounded and become unfit for service, and having been discharged by order of court on account of being a minor, is clearly entitled to the relief asked.

The committee recommend the bill do pass.

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*Case of Charles L. Bullis, late private Company H, Eighty-third Pennsylvania Volunteers.*

RECORD AND PENSION DIVISION, *May 26, 1890.*

Charles Bullis, private Company H, Eighty-third Pennsylvania Volunteers, was enrolled at Linesville, Pa., August 8, 1861, to serve three years, and is reported present on muster-rolls of company until April 30, 1862. On the roll for May and June, 1862, he is reported "wounded and missing in action June 27;" on subsequent rolls to October 31, 1863, "absent, sick (wounded) in hospital;" November and December, 1863, "dropped from rolls per General Orders, 92."

(General Orders, 92, War Department, Adjutant-General's Office, of 1862, directs that all officers and enlisted men absent from the special muster of August 18, 1862, "who are fit for duty * * * at that time, will be regarded as absent without cause, their pay will be stopped, and they dismissed from the service, or treated as deserters, unless restored * * * .")

The muster-out roll of company, dated September 20, 1864, reports him "discharged—no official notice—dropped from rolls per General Orders, 92, War Department."

The Surgeon-General of the Army reports, under date of November 30, 1877, that this man was admitted to Union Hotel General Hospital, Georgetown, D. C., July 5, 1862, wounded, disposition not given; entered General Hospital, Davids Island, New York Harbor, September 4, 1862, with "gunshot of hip," and deserted December 13, 1862.

He was discharged by order of the court of common pleas of Crawford County, Pennsylvania, June 12, 1863, on the ground of minority at time of enlistment, and that he enlisted without his father's consent.

Claimant, in affidavit dated January 15, 1884, declares that he was wounded at Malvern Hill, Virginia., and sent to hospital at Georgetown, D. C., and thence to Davids Island, New York; that in the following November he went home on a pass, and was detained at home by his parents on account of his being a minor and because of his wounds; that he was arrested in 1863 as a deserter and released on writ of habeas corpus, and in 1864 enlisted in the Navy, but was rejected on account of his wounds; that he was wounded through both hips, and is now drawing a pension. He further states that he had no desire or intention of deserting, and that he believes himself entitled to an honorable discharge.

Under date of February 29, 1884, he states that he is unable to present his pass, as it was worn out by carrying it in his pocket, but says he can prove by all his neighbors that he had a pass, and that he showed it to them; claims to have gone to his home on transportation furnished by the Government through Col. Charles Burton, the head of the Relief Association of Pennsylvania at New York. (The records fail to show that this man was granted a pass as alleged.)

On February 4, 1886, Hon. J. D. CAMERON, United States Senate, was informed by letter from this Department that this soldier's case does not come within the provisions of the act of Congress approved July 5, 1884, and his release from service by order of a civil court while a deserter at large can not be accepted as an extenuation of his crime of desertion. He was further informed that under these circumstances there is no provision of law under which the charge can be removed.

The status of the case has not been changed by the introduction of additional testimony, nor by subsequent legislation (acts of Congress approved May 17, 1886, and March 2, 1889, respectively).

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

THE SECRETARY OF WAR.

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. WHEELER, of Alabama. Mr. Speaker, as there does not appear to be any further business before the House, I ask unanimous consent to submit some views which have occurred to me as to the far-reaching effect of a law which would place all the machinery of Federal elections in the hands of the central Government. That it would destroy the beautiful equipoise which does so much to give stability to our Government and promises for it ever-enduring permanence there can be no doubt. I also wish in that connection to make some statements as to the experience of the people of Alabama during the period they were governed by officers holding their power by virtue of an election controlled by Federal officials.

I am impelled to address myself to this subject, as the remarkable speech delivered on September 3 by the gentleman from Ohio [Mr. KENNEDY] has confirmed our apprehensions as to the dire purpose of the more extreme Republican leaders regarding the Southern States. In that speech he denounced Republicans who hesitated in the support of the bill as traitors and Judas Iscariots. In referring to the action of the Senatorial caucus in postponing action on the bill, he says:

> Every Democrat in the land is to-day applauding the action of the Republican Senatorial caucus.

He also speaks of—

> The anxiety and interest manifested everywhere by Democrats for its defeat.

Mark, he unquestionably says that every Democrat in the land manifested anxiety for its defeat and applauded the action of the Senate. "Every Democrat" includes every one of the 4,000,000 Democrats from the States north of the Ohio and Potomac; and the fact that Mr. KENNEDY testifies that every one was opposed to the bill is abundant proof that the best men of the North understood the evil and fearful purposes of its advocates.

SPOILSMEN NOW CONTROL THE REPUBLICAN PARTY.

It is becoming evident that there are two Republican parties in the North: one composed of men who believe in the principles which were advocated by those who claimed for it grand and noble purposes, who seek its preservation because they believe that under its principles perfect liberty, Christian precepts, progress, civilization, the happiness and welfare of mankind can be maintained; the other comprising those who care for nothing and seek for nothing but increase of power, their personal aggrandizement, and the opportunity given them for spoil and plunder.

It is the latter party that demands a bill which would give them a clutch on the Government and the Treasury which could never be loosed. It is this character of men who in 1888, by bribery and fraud, obtained control of the House of Representatives, and it is such men who seek by force and fraud and their own counting and certifying, to retain permanent control of the Government. This Republican party is now dominant in most of the Republican States of the North, and the better elements of all parties are alarmed at its audacity and disregard of the best interests of the people.

Two days ago the gentleman from Ohio [Mr. KENNEDY] made another speech reiterating his demand for the passage of the force bill and denouncing any Republican who did not accede to the extreme views he expressed. The country had then had three weeks in which to read and contemplate his advocacy of imperial methods. In his anxiety to give proof that his demand that the force bill be put into execution was not approved by the Democratic press he said:

> I hold in my hand clippings from various newspapers throughout all America, and I testify to you here to-day that in all of these lines there is not one single Democratic paper that has approved my speech on this floor.

If the statement is true, and I am confident that it is, I beg to ask if there could be much higher proof of the dangerous and evil character of the bill and the utter disregard of right and reason which actuates the Republican members of the present Congress. That the bill is opposed by every one of the great conservative papers throughout all America ought to be sufficient condemnation of the measure.

DECEPTION AND INSINCERITY OF REPUBLICANS.

In order to show that the Republican press and the Republican party sustain him in this position, Mr. KENNEDY said:

> I hold in my hand here clippings from hundreds upon hundreds of Republican newspapers throughout all this country, and, with one or two exceptions, my words upon this floor have been approved by the Republican press and by the people of the country.
>
> I hold in my hand here, Mr. Speaker, letters—and these are only a few of the great mass I have received from the country—from every section of the land, from Maine to California, and from the Lakes to the Gulf, indorsing word for word and letter for letter the language and spirit of the speech.

If the gentleman is only partly correct every right-thinking man is admonished that the men who now control the affairs of this country are of too low a moral standard and too devoid of principle and patriotism to be further intrusted with power.

The conduct of the Republican leaders and the partisan Republican press with reference to the force bill is an excellent illustration of their utter insincerity, and is proof that they will scruple at nothing in order to carry out their purposes. The discussions in their caucuses and conclaves showed that the only difficulty they expected to encounter was in the passage of the bill through the House. That being accomplished, they regarded the struggle as virtually terminated.

The Republican majority in the Senate being so large, they considered its favorable action upon the measure as beyond a question of doubt, and they anticipated no delay in the Senate, as according to their view, the bill did not affect the election of Senators nor of any one except members of the House, and they assumed that after the House had passed a bill affecting only the election of its own members it would be a discourtesy for the Senate to hesitate in concurring, even to the extent which would result from ordinary discussion.

Certainly, said these damagogues, the Senate would never venture to suggest an amendment to a bill which their co-ordinate body had arranged for the management of their own affairs.

As an element of proof that these were the views entertained by Republicans, I will read a sentence from Mr. KENNEDY'S speech of September 3. In speaking of the bill, he says:

> It made no effort to either abridge or deny the rights of the Senate, or in any manner to interfere with the powers, privileges, or duties of its members.

And following a subhead which was in these words, "The opinion of the House should govern," he proceeds:

> It was reasonable under such a condition of affairs to presume that the Senate, acting as a co-ordinate branch of the Government, if such a measure was deemed necessary by the House for its own protection and for the welfare and safety of the people, would evidence its assent by the speedy passage of a measure which had been demanded, not only by the House itself, but by the people of the whole country.
>
> Instead of such consideration as was demanded by so important and weighty a measure, the Republican caucus of the Senate of the United States determined to postpone its consideration "to a more convenient season."

These extracts from Mr. KENNEDY'S speech certainly tend to confirm the truth of the statements that the conspirators felt that the necessity for concealing their wicked designs only lasted while the case was pending in the House.

Consequently, prior to the passage of the bill the advocates of the measure were loud and vociferous in their declaration that the bill could have no possible effect other than to insure absolute fairness in the election of "members of Congress," and could not possibly have the slightest influence or effect upon the election of any State officials or Presidential electors. This talk was drummed into the ears of the people in season and out of season until after the final vote had been taken, at near midnight, during the evening session of July 2.

SECRET PURPOSES UNCOVERED TOO EARLY.

The moment the Speaker announced that the bill had passed the House the conspirators thought that further deceptions and falsehoods were unnecessary, and immediately they commenced to uncover and boast of the real purposes intended to be attained. Their wicked and nefarious designs were partly unfolded in an editorial which appeared the next morning in the National Republican of July 3, the leading Republican organ of Washington City. It said:

> With the Lodge national election law in full force over the South and various Democratic strongholds up North, we may confidently look for a different state of political affairs than now exists. New York City will then return several more Republican Congressmen than at present, while more than twenty negro Representatives from the South will render the Republican control of the future Congresses absolutely secure and safe. As Mississippi, South Carolina, and Florida contain a large majority of negroes, and as there are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put these States into the Republican line, we can confidently look in the future for seven Southern States to be reliably Republican.

This means a gain of fourteen Senators and at least twenty Representatives to the Republican party.

Here the leading organ of the Republican party in the national Capital admits that the assertion which had been so freely made that the law was not to be put in operation in the North was a mere pretense and fraud, resorted to for the purpose of deceiving members of their party who would not otherwise have given their support, and they unblushingly assert their intention of changing the political status of "various Democratic strongholds up North," thus admitting that they intend to avail themselves of the frauds which could be easily perpetrated under the bill, which it is evident they had specially framed for that purpose.

AN ATTEMPT TO NEGROIZE THE SOUTH.

They also admit that they were guilty of falsehood and sought only to deceive when they so lustily asserted that the bill would not affect State elections, for the day after the bill was passed this paper says:

As Mississippi, South Carolina, and Florida contain a large majority of negroes, and as there are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put these States into the Republican line, we can confidently look in the future for seven Southern States to be reliably Republican.

INTENDED CONFISCATION OF PROPERTY OF WHITES.

The Republican organ then proceeds to explain how it is intended to confiscate the property of the white people of the South. It says:

When through the operation of the Lodge national election law, six or seven Southern States shall discard Democratic rule, we shall look confidently to see some measure of justice done the blacks, who have been so long defrauded of their rights. Heavy taxes should be laid upon the property of the whites to develop and extend the public-school system in those States.

This must mean that their determination is to tax the property of the whites to the point of confiscation, as the whites are already maintaining excellent schools, including universities of a high order, for the education of the blacks, and to do so are taxing their own property as heavily as it will bear. No Northern Republican has studied the condition of the negro schools of the South so closely as Senator BLAIR, and he stated—

That 985,000 black children are attending the public schools in the South, and that the burden of the expense is mainly defrayed by the white people of the South.

MISCEGENATION AND MIXED SCHOOLS.

The National Republican, in its joy and glee, then continues, and further develops the wicked and treasonable designs of these revolutionists, as follows:

Separate schools for the two races should be abolished, and the plan of bringing the youth of both colors into close and equal relations in schools and churches given a fair trial, as one of the most potent elements to break down the detestable Bourbonism of the South. The right of the black to bear arms should be guarantied to him, as well as all the social rights intended to be secured him by the passage of the fourteenth and fifteenth amendments to the Constitution. The State laws against the intermarriage of the races should be repealed, and any discriminations against the black in the matters of learning trades or obtaining employment should be made a criminal offense, while the colored man's right to hold office should be sacredly protected and recognized. A few years of this policy will solve the race problem satisfactorily.

It seems almost incredible that God could allow men to live who are actuated by feelings so low, vile, and vicious. Miscegenation is contrary to God's command. It has been proven over and over again that the negro and white man are of different species, and that when marriage takes place there can be no offspring beyond the third generation; and yet these people fly in the face of the ordinance of God in their frenzy to destroy the people of one-third of the country. I ask if any man endowed with a spark of honor or christian sentiment can aid such wicked, diabolic designs.

Let us give a more critical examination of some of these admitted and even avowed designs, purposes, and intentions:

First:

With the Lodge election law in full force over the South we can confidently look for a different state of political affairs. * * * There are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put those States in the Republican line.

FRAUDS UNDER FORMER FEDERAL ELECTION LAWS.

There is no doubt but that the Federal election officers would certify the election of Republican candidates, and there is no question but that a Republican Congress would do any act necessary to Republicanize these States.

This is proven by the diabolic action of a Republican Congress with regard to the only election ever held in Alabama under Federal authority.

The act of March 23, 1867, made provision for a constitutional convention in Alabama, whose members were to be elected under and in virtue of a Federal election law, and section 5 of the act provided that in order to secure adoption or ratification of the said constitution there should be cast—

A majority of the votes of the registered voters.

It so happened that far less than the required number of votes were cast in the election, and Major-General Meade made his report certifying that—

The constitution fails of ratification by 8,114 votes.

And he also stated that prominent Republicans had asked him to make a false report, which of course he refused to do.

Notwithstanding the indisputable fact that the constitution was defeated according to the provisions of the law which authorized the election, this unscrupulous Republican Congress declared it ratified, and immediately admitted the Republican Senators and Representatives who claimed to be elected under said constitution.

There was no pretense that the election was not conducted with perfect fairness; as it was entirely under the control of the military officers of the United States they could not set up that plea. In fact the report of Major-General Meade insisted that it was a fair election in all respects.

If a Republican Congress would commit such an atrocity, could we expect that they would scruple a moment in declaring all Republicans elected without regard to the number of votes they received?

They would not have any difficulty in doing this, as we have seen that the election officers appointed by Davenport, the author of the election bill, were robbers, thieves, convicted felons, penitentiary convicts, and keepers of the lowest dens of depravity and wickedness.

CONFISCATION BY TAXATION.

The passage of the Lodge bill would be a signal to the unscrupulous scoundrels of the United States to gather in the South to repeat, if possible, their carnival of crime, theft, plunder, and robbery which they carried on while the Southern States were under Republican rule from 1867 to 1874.

After thus getting control of the State, what does the National Republican, the organ of the Republican party, further say it is their purpose to do?

Second:

Heavy taxes would be laid upon the property of the whites.

The history of the Republican party in the South leaves no doubt but that this would be done.

They increased State taxes to 1¼ per cent. and county taxes in many instances to the same figure, while under good old Democratic days it was less than one-fourth that amount.

They collected and squandered some $2,000,000 a year, and in addition to this, during the six years of their control, they ran up our bonded debt from $5,270,000 to $25,503,593 and reduced the value of State bonds from 108 to 22 cents on a dollar.

They squandered the school fund, paying school officials other than teachers six times as much as is now paid the same officers under Democratic administration.

Third:

MIXED SCHOOLS FOR WHITE AND BLACK.

Serious as all these evils would be, they are as nothing when compared with other indignities and atrocities with which we are threatened. We will read further from this Republican organ:

Separate schools for the two races should be abolished, and the plan of bringing the youth of both colors into close and equal relations in schools and churches given a fair trial as one of the most potent elements to break down the detestable Bourbonism of the South.

That they would promptly commit this crime there need not be the slightest doubt. This was a leading and apparently favorite project in the convention of 1867, the members of which were elected under the Federal election law which Congress enacted for that purpose.

The convention, composed largely of negroes and adventurers from other States, debated in a most inflammatory manner in favor of intermarriage of blacks and whites, mixed schools, and the disfranchisement of large classes of white citizens.

A resolution providing against race amalgamation was tabled by the convention, and a small minority of thirteen members, who had become alarmed at the reckless disregard of the majority, issued an address on December 10, 1867, protesting against the proposed constitution, alleging as a cause that it authorized mixed schools, did not prohibit intermarriage of blacks and whites, and that—

It tended to the abasement and degradation of the white population of the State.

Afterwards, finding that in order to put these projects into operation legislative acts were necessary, bills for such purposes were introduced into the Legislature. I will read one which was voted for by every Republican member except three, and they were, I am glad to say, from the white counties of North Alabama:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That citizens of the State of Alabama, or of the United States of America within the State of Alabama, without distinction of race, color, or previous condition of servitude, are entitled to the equal and impartial enjoyment of any accommodation, advantage, facility, or privilege furnishad by common carriers whether on land or water, by licensed inn-keepers, by licensed owners, managers, or lessees of theaters, or other places of public amusement, by trustees, commissioners, superintendents, teachers, or other officers of common schools or other public institutions of learning, the same supported or authorized by law, by trustees or officers of cemetery associations or benevolent institutions incorporated by the laws of the State, and this right shall not be denied or abridged on any pretense of race, color, or previous condition of servitude.

SEC. 2. *Be it further enacted*, That any person violating the foregoing provisions, or aiding in their violation, or inciting thereto, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby.

Judge Bruce, now United States judge, and who would be a controlling factor in elections, should the force bill be enacted in law, was at that time a member of the Legislature, was one of the most earnest

champions of the bill, and spoke in its advocacy for more than two hours.

Fourth:

PROPOSE TO ARM THE BLACKS.

Another design of the advocates of the force bill is expressed in these words:

The rights of the black to bear arms should be guarantied to him.

It is quite certain that after Republicans had seized the State of Alabama this idea would be put into operation. When they obtained control by the Federal election laws of 1867 they organized and armed a negro militia, and unscrupulous white Republicans sought to have them put on duty.

The governor of the State, William H. Smith, was one of the few Southern white men who were elected in 1868. The demands made upon him by his party associates to order out negro militia under the pretense of enforcing the law were of a character to alarm him and he declined to accede to their demands. He knew that the State was at peace, the laws were obeyed, and that improper motives must prompt such requests. In his annual message to the Legislature, November 15, 1869, this Republican governor said:

Nowhere have the courts been interrupted. No resistance has been encountered by officers of courts in the efforts to discharge the duties imposed upon them by law.

This action upon the part of Governor Smith, together with his refusal to order out the negro militia, called upon him the bitter criticisms and denunciations of Senator George E. Spencer, I. D. Sibley, and others.

On July 25, 1870, in a letter to the Huntsville Advocate, he replied to these attacks and denounced these Republican officials "as systematically uttering every conceivable falsehood," and said:

During my entire administration of the State government but one officer has certified to me that he was unable, on account of lawlessness, to execute his official duties. That officer was the sheriff of Morgan County. I immediately made application to General Crawford for troops. They were sent, and the said sheriff refused their assistance. My candid opinion is that Sibley does not want the law executed, because that would put down crime, and crime is his life's blood. He would like very much to have a kuklux outrage every week to assist him in keeping up strife between the whites and the blacks, that he might be more certain of the votes of the latter. He would like to have a few colored men killed every week to furnish semblance of truth to Spencer's libels upon the people of the State generally. * * * It is but proper in this connection that I should speak in strong terms of condemnation of the conduct of two white men in Tuskegee a few days ago in advising the colored men to resist the authority of the sheriff; and these are not kuklux, but are Republicans.

This is but a sample of the conduct of many Republican officials who were elected under the Federal election laws of that time. They sought to stir up strife. The killing of negroes was to their political advantage and these men and men like them were responsible for many disturbances, in which negroes were too often the worst sufferers. They now seek to again arm the negroes with a full knowledge that these poor creatures would be betrayed by pretended friends into aggression which would be very apt to terminate with disastrous results.

I desire to call special attention to the fact that the Republican governor of Alabama stated that Sibley, the sheriff of Morgan County, demanded that the negro militia be called out; that the governor sent Sibley United States troops in answer to his assertion that "he was unable, on account of lawlessness, to execute his official duties," but that Sibley refused their assistance.

I call attention also to the fact that Governor Smith said that Sibley did—

not want the law executed, because that would put down crime, and crime is his life's blood.

Governor Smith also said that his party associate, Sibley—

would like to have a few colored men killed every week.

It was such Republican scoundrels as these who were elected to office under the Federal election law of 1867.

Fifth:

ALABAMA REPUBLICANS SANCTION MISCEGENATION.

Let us look still further into the intentions of these men.

The advocates of the force bill also say:

The State laws against the intermarriage of the races should be repealed.

That this would be done there can be no question. We have seen that this idea of miscegenation was debated and favored by them in the convention of 1867, and also that that body voted down a proposition looking toward its prohibition; but, worse than that, the highest judiciary of that Republican government decreed that all laws prohibiting the marriage of white persons and negroes were null and void and in violation of the acts of Congress and the Constitution of the United States. I read from the decision in Burns *vs.* The State, 48 Alabama Supreme Court Reports, page 195:

Sections 3602, 3603 of the Revised Code, which prohibit the intermarriage of white persons and negroes, are in contravention of the act of Congress of April 9, 1866, known as the "civil rights bill," and repugnant to section 1 of the fourteenth amendment to the Federal Constitution.

The court quotes from section 1, Article XIV of the Constitution, namely:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

And says that negroes are citizens, and that—

One of the rights conferred by citizenship, therefore, is that of suing any other citizen. The civil rights bill now confers this right upon the negro in express terms, as also the right to make and enforce contracts, amongst which is that of marriage with any citizen capable of entering into that relation.

This unnatural, revolting, unchristian, and ungodly decision of the supreme court of Alabama illustrates the reckless disregard of right which actuated the persons who were given official position by virtue of a Federal election law.

In 1874 we elected a new supreme court, composed of Democrats, who reversed and overruled this decision in the case of Green *vs.* State (58 Ala., 190), which was followed by Hoover *vs.* State (59 Ala., 57).

The case of Pace *vs.* State (69 Ala., 231) involved the same principle. It was appealed by the defendant to the Supreme Court of the United States, which tribunal delivered an opinion affirming the decision of the Democratic supreme court of Alabama, and therefore reversing the case of Burns *vs.* State, which was rendered by the Republican supreme court of Alabama. The Supreme Court of the United States, in the case of Pace *vs.* Alabama, decided that the statutes of Alabama against miscegenation were not in conflict with the Constitution of the United States.

UNITED STATES SUPREME COURT REBUKES ALABAMA REPUBLICANS.

I read from volume 106, United States Supreme Court Reports, page 583:

Section 4189 of the Code declares that "if any white person and any negro, or the descendant of any negro to the third generation, inclusive, though one ancestor of each generation was a white person, intermarry with each other, each of them must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than two nor more than seven years."

The court after discussing the subject decrees that the law of Alabama, which I have read—

Is not in conflict with the Constitution of the United States.

This shows that the Supreme Court of the United States, although entirely composed of Republicans, revolted at the atrocious ruling of the Republican supreme judges of Alabama; but to more fully illustrate the low character of the officials, even including the judges of the supreme court, who were forced upon the people of Alabama by the Federal election law of 1868, I will call attention to opinions of the supreme courts of Indiana and Pennsylvania.

INDIANA REVOLTS AT MISCEGENATION.

I read the head-note in the case of State *vs.* Gibson (36 Indiana, page 389):

Neither the fourteenth amendment to the Constitution of the United States nor the civil rights bill passed by Congress has impaired or abrogated the laws of this State on the subject of the marriage of whites and negroes. Such a union between members of the different races is a criminal offense by the statutes of this State.

The decision also says (pages 403, 404):

The statute provides that the following marriages are void: When one of the parties is a white person and the other possessed of one-eighth or more of negro blood; and when either party is insane or idiotic at the time of the marriage. Under the police power possessed by the States they undoubtedly have the power to pass such laws.

The people of this State have declared that they are opposed to the intermixture of races and all amalgamation.

The court then adopts and incorporates in its decision the decree of the supreme court of Pennsylvania in the case of Westchester and Philadelphia Railroad *vs.* Miles (55 Pennsylvania State Reports, page 209), in which the learned judges, with great emphasis, declare that it is the duty of the law to protect society from the character of evils which the Alabama Republican judges sought to force upon the people of that State.

PENNSYLVANIA REVOLTS AT MISCEGENATION.

The question considered was the right of a railroad to provide separate localities on their trains for white and black passengers. I read from pages 213 and 214:

Why the Creator made one black and the other white, we know not; but the fact is apparent, and the races distinct, each producing its own kind and following the peculiar law of its constitution. Conceding equality, with natures as perfect and rights as sacred, yet God has made them dissimilar, with those natural instincts and feelings which He always imparts to His creatures when He intends that they shall not overstep the natural boundaries He has assigned to them. The natural law which forbids their intermarriage and that social amalgamation which leads to a corruption of races is as clearly divine as that which imparted to them different natures. The tendency of intimate social intermixture is to amalgamation contrary to the law of races.

From social amalgamation it is but a step to illicit intercourse, and but another to intermarriage. But to assert separateness is simply to say that following the order of Divine Providence, human authority ought not to compel these widely separated races to intermix. The right of such to be free from social contact is as clear as to be free from intermarriage. The former may be less repulsive as a condition, but not less entitled to protection as a right.

It is not prejudice, nor caste, nor injustice of any kind, but simply to suffer men to follow the law of races established by the Creator Himself, and not to compel them to intermix contrary to their instincts. * * * Never has there been an intermixture of the two races socially, religiously, civilly, or politically. By uninterrupted usage the blacks live apart, visit and entertain among themselves. In fact, there is not an institution of the State in which they have mingled indiscriminately with the whites. Even the common-school law provides for separate schools.

In the military service, also, they were not intermixed with the white soldiers, but were separated into companies and regiments of color, and this not by way of disparagement, but from motives of wisdom and prudence, to avoid the antagonisms of variant and immiscible races.

ALABAMA REPUBLICAN OFFICIALS DEGRADE WHITE MEN.

What a contrast between the words and moral sentiments uttered by the judges of the Supreme Court of the United States and of the States of Indiana and Pennsylvania on the one hand, and the Republican

judges of the supreme court of Alabama on the other. The former protecting and purifying society and morals; the latter exercising all their weight and force to destroy, degrade, and, if possible, drag down the highest type of man and womanhood to a level with the negro race. It is this degradation which the organ of the Republican party of this Capital city gleefully and joyfully proclaims is to be the dreadful fate of the people of the South—

When the Lodge election law is in full force.

The people who seek to carry out these ungodly purposes do not pretend that they do this for the purpose of or to be in any way beneficial to the negro race, but they plainly assert that their purpose is—

To break down the detestable Bourbonism of the South.

REPUBLICAN BAD FAITH REGARDING EDUCATIONAL BILL.

That the power of the Republican party has never been exercised in the interest of the colored man is quite apparent. There are few measures nearer to the colored man's heart than the education bill, and Republicans have solemnly promised to enact the law for his benefit.

In the Forty-seventh Congress, the Republican Senate refused to pass an educational bill.

The Southern Democrats of the House in that Congress expressed themselves emphatically for the bill. On January 16, 1883, the first vote on the question of considering the bill was 117 for and only 11 against it. The vote was then taken on the resolution to consider and the affirmative vote in favor of the bill was increased to 129, including, I believe, every Southern Democrat except those from Texas. (See CONGRESSIONAL RECORD, January 15, 1883, page 1202.)

In the Forty-eighth, with a knowledge that Speaker CARLISLE and the House Committee on Education were opposed to the bill, they passed the measure, and it died in the House committee, just as these artful Republican Senators had expected.

In the Forty-ninth Congress the Senate passed the bill again after it had become reasonably certain that it would never be considered in the House, and these same tactics were repeated in the Fiftieth Congress.

In the Fifty-first Congress the House was known to be in favor of the bill and the Republican Senators were therefore unable to continue the tactics by which for six years they had deceived the colored people. They feared that if they passed the bill and sent it to the House as now organized it would be acted on favorably by that body; and the bill to which the Senate gave but eleven adverse votes in the Forty-ninth and but twelve in the Fiftieth Congress was deliberated, voted down, and defeated by the Republican Senators, and this was done in a Senate whose Republican majority had just been increased by the addition of eight Republican Senators from the new States; and I will also state that on each of the votes by which it passed the Senate in the Forty-eighth, Forty-ninth, and Fiftieth Congresses it was supported by three-fourths of the Democratic Senators from the Southern States. The platform upon which Mr. Cleveland was elected said:

We favor the diffusion of free education by common schools;

and the Alabama Legislature, which was almost solidly Democratic, unanimously adopted the following memorial:

That the Senators and Representatives in Congress from this State be requested to secure the passage of a bill granting aid to education in the several States upon the basis of illiteracy, the amounts so appropriated to be applied by the several States through their superintendents of education.

It is perfectly clear that a large majority of Southern Democrats have unremittingly urged the passage of an educational bill; and besides appropriating largely for the education of the whites, they have, as stated by Senator BLAIR, freely used their own means to educate the colored race; and the facts show that Republicans have taken precisely the contrary course.

Why they are guilty of this treachery towards the colored people of the South I can not say, except that, as you are quite aware, with education the colored men would no longer be their political slaves, but would vote with the party which advocated laws most promotive of their interests and material advancement.

EQUILIBRIUM ESSENTIAL TO OUR SYSTEM.

If there was no other reason for leaving this matter of election with the States, there is one which of itself is absolutely conclusive.

No one political party can continually control all the organizations and departments of a government without drawing to it bad and designing men, until it finally becomes so debased as to sink under the weight of its own depraved and vicious corruption.

Under our system this can not possibly occur. Under the Reed-Lodge-Davenport system it would be impossible to prevent such a result.

Under our system the popular branch of the law-making power can not remain for any long period under the control of one party. Its members are chosen by the people every two years and the elections are conducted through officers appointed by the governor and other State officials.

The States are nearly equally divided between the two great parties, thus producing a balance of power which must always tend to equalization.

If half the States are of the same political party as the one controlling the General Government, and they attempt to enact laws or administer laws so as to unduly aid in the election of Representatives of their own political faith, the States which are of the opposing faith would be expected to exert their efforts to counteract such proceedings, and the fact that retaliation would result from such legislation has, up to this period of our history, gone very far towards conserving the equilibrium which has maintained the stability of our Government. With this to balance it, it has stood many a shock and many a storm.

BALANCE, NOT FORCE, THE SECRET OF OUR SYSTEM.

While the world marvels at this wonderful structure, the wisest and most sagacious statesmen see the secret of our success in this one great safeguard which our constitutional fathers ingrafted into our system.

Now, Messrs. REED, LODGE, and Davenport say, root it out. If you do this, the historian of the fall of the American Republic may as well commence to prepare for his work.

The party in power would have the absolute control of elections. They have proven themselves utterly, and even criminally, unscrupulous in all matters controlling the elective franchise, and no one could for a moment doubt that the slight weight necessary to turn the balance in their favor would be exercised, and from the date of the passage of this bill every department of the Government would be permanently under their control.

Corruption would pile upon corruption, evil upon evil, usurpation upon usurpation, crime upon crime, tyranny upon tyranny, Reedism upon Reedism, until the weight would become too heavy to be borne, and then the crash would come.

The REED-LODGE-Davenport conspirators do not question but that such a result would be inevitable unless greatly increased power was given to the central Government; and to meet that exigency the regular Army with bayonets and cannon are provided, and the beautiful structure perfected and balanced by Washington, Jefferson, Franklin, and their compeers, so that for more than a century of triumphant progress no shock or attack in the slightest degree affected its proud and stately counterpoise, is now threatened with utter destruction.

Is there a man in Alabama who prefers a government supported by bayonets to one upheld by the love and confidence of the people?

Men who have no thought or desire for the welfare of mankind, who take no pride in the growth, progress, and extended influence of our country among the nations of the earth, care but little whether our land is endowed with God's best blessing or cursed with the worst evils which are threatened by the law to which I have referred. But men who believe the great American Republic has a mission to perform, and that its mission under the guidance of the hand of our Almighty Father is to spread the glad tidings of civil liberty and free christian government, and by its example as far as may be to extend these blessings to the millions of oppressed of other lands who look up to it with reverence, love, and hope, will join us in upholding the principles of government to which we owe our freedom, our progress, and our unexampled prosperity.

To the christian, to the good, and to the patriot who loves the glory of his country better than his own glory, the happiness of the vast concourse of his fellow-men better than his own happiness, we appeal to defend the land of Jefferson, Franklin, and Washington against the treasonable designs of selfish men who, for their own aggrandizement, would risk the life of this beautiful organization whose symbol, floating over land and sea, is loved by loyal hearts, feared by imperial and monarchical tyrants, and respected by all, whether the ruler or the ruled, sovereign or subject, prince or prelate.

During the delivery of the remarks by Mr. WHEELER the following occurred:

The SPEAKER *pro tempore*. The gentleman from Alabama will permit the suggestion that under the rule which governs our action here on Friday evening sessions we have no authority to permit anything to be published in the RECORD except that which pertains to pension legislation.

Mr. WHEELER, of Alabama. It has been decided on two or three occasions that we have, and since those decisions our jurisdiction has been enlarged.

The SPEAKER *pro tempore*. In open session that may be done, but in our Friday evening sessions we are limited to the consideration of pension bills. Permission was given to print to the gentleman from New York [Mr. CUMMINGS] upon a certain subject, but it was a subject of which we had jurisdiction at the Friday evening session.

Mr. WHEELER, of Alabama. But the Chair will recall that our jurisdiction has been extended so as to include considering bills to correct the records of soldiers, and this gives us a wide range which certainly brings the remarks I have made within the rule.

Mr. BAKER. Was not general leave given to print on the election law?

Mr. WHEELER, of Alabama. There is no question about that, and if the Chair desires it the remarks I have made may go in the RECORD under that general permission; but I think the Chair will agree that the remarks I have made would be pertinent to the bill now before the House affecting, as it does, the status of a soldier in the Army. [Laughter.]

In order that the enormity of its expressions may be more fully

comprehended I append the article intact precisely as it appeared on the editorial page of the National Republican of July 3, 1890:

With the Lodge national election law in full force over the South and various Democratic strongholds up North, we may confidently look for a different state of political affairs than now exists. New York City will then return several more Republican Congressmen than at present, while more than twenty negro Representatives from the South will render the Republican control of the future Congresses absolutely secure and safe. As Mississippi, South Carolina, and Florida contain a large majority of negroes, and as there are enough white Republicans in Alabama, Arkansas, North Carolina, and Louisiana, acting in concert with the negroes, to put these States into the Republican line, we can confidently look in the future for seven Southern States to be reliably Republican. This means a gain of fourteen Senators and at least twenty Representatives to the Republican party.

When through the operation of the Lodge national election law six or seven Southern States shall discard Democratic rule, we shall look confidently to see some measure of justice done the blacks, who have been so long defrauded of their rights. Heavy taxes should be laid upon the property of the whites to develop and extend the public-school system in those States.

Separate schools for the two races should be abolished, and the plan of bringing the youth of both colors into close and equal relations in schools and churches given a fair trial, as one of the most potent elements to break down the detestable Bourbonism of the South. The rights of the black to bear arms should be guarantied to him, as well as all the social rights intended to be secured him by the passage of the fourteenth and fifteenth amendments to the Constitution. The State laws against the intermarriage of the races should be repealed, and any discriminations against the black in the matter of learning trades or obtaining employment should be made a criminal offense, while the colored man's right to hold office should be sacredly protected and recognized. A few years of this policy will solve the race problem satisfactorily.

CAROLINE A. FAIRFAX.

The next business on the Private Calendar was the bill (H. R. 9506) for the relief of Caroline A. Fairfax.

The bill was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Caroline A. Fairfax, Washington, D. C.

The report (by Mr. HILL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9506) for the purpose of construing the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, having had the same under consideration, submit the following report:

The committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy.

Mrs. Fairfax is the widow of Henry Fairfax, captain of Virginia Volunteers in the war with Mexico. Her case is similar to that of Jane M. McCrabb and others, which have already received the favorable action of the House.

The bill is returned with a favorable recommendation.

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

SUSAN NELSON PAGE.

The next business on the Private Calendar was the bill (H. R. 9531) to restore the pension of Susan Nelson Page.

The bill was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Susan N. Page, widow of Capt. Francis Nelson Page, United States Army.

The report (by Mr. HILL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9531) for the purpose of construing the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, having had the same under consideration, submit the following report:

The claimant, Mrs. Susan Nelson Page, is the widow of Francis N. Page, late captain and assistant adjutant-general, United States Army. He died March 25, 1860, and his widow received a pension of $30 per month, which was reduced, in accordance with subsequent legislation, to $25 per month, and still later to $20 per month, the amount she now receives.

Your committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy, and the bill is therefore returned with a favorable recommendation.

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. MORRILL moved to reconsider the several votes by which the various bills were 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, the House adjourned.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 1530) for the relief of the estate of John Ericsson—to the Committee on Claims.

A bill (S. 2623) to authorize the acquisition of lands for coke ovens and other improvements and for right of way for wagon roads, railroads, and tramways in connection with coal mines—to the Committee on the Public Lands.

A bill (S. 3441) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia"—to the Committee on the District of Columbia.

A bill (S. 4155) to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes—to the Committee on Commerce.

A bill (S. 4161) concerning agricultural entries of land on which mineral deposits are subsequently found—to the Committee on the Public Lands.

A bill (S. 4308) to create a subport of entry and delivery at Neche, in the State of North Dakota—to the Committee on Commerce.

## RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. FLOWER:

Whereas this body has been petitioned by the Grand Harbor of American Brotherhood of Steam-boat Pilots of the United States, composed exclusively of licensed masters and pilots, for the appointment of a committee from the House of Representatives to examine into, and, where necessary, revise the laws, rules, and regulations governing the steam-boat inspection service, for the reason that it is claimed by them that many of the said laws, rules, and regulations are arbitrary, unreasonable, ineffectual, and not in keeping with our present exigencies and progress, to the great detriment of the public service; and

Whereas said service, its licensed masters, pilots, and engineers are mainly governed by rules and regulations adopted by the boards of supervising inspectors at their annual meetings and enforced by the Treasury Department, many of which, it is claimed, are capricious, oppressive, and ridiculous, and none of which are clothed with the sanction of statute law; and

Whereas it is further claimed that the management of the service should be rendered more efficient, and that serious complaints and charges have been and are being made against several of its principal executive officers of incompetence, mismanagement, and official misconduct: Now, therefore,

*Be it resolved*, That a committee of five members of this House be appointed by the Speaker for the purpose of making a thorough investigation of the management of the said service and the present laws, rules, and regulations governing the same, and investigate all charges that have been or may be preferred against any officer thereof, and make recommendations thereupon to this body with all convenient speed; and

*Be it further resolved*, That said committee shall have full power to summons witnesses, books, and papers, to incur all necessary expense, to employ clerks and counsel, to select times and places for holding its sessions, and to do all such further acts and things as may be requisite in the furtherance of this object;

to the Committee on Merchant Marine and Fisheries.

By Mr. BLISS:

*Resolved*, That the Clerk be authorized to continue in employment after the adjournment of the present session, for such period as he may deem necessary, the assistant journal clerk, and pay him out of the contingent fund of the House at the rate of compensation now paid him;

to the Committee on Accounts.

By Mr. MCKINLEY:

*Resolved by the House of Representatives (the Senate concurring)*, That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned without day on Tuesday, the 30th day of September, at 2 o'clock p. m.;

to the Committee on Ways and Means.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 17) to remove the charge of desertion from the record of Michael Muskell, accompanied by a report (No. 3196)—to the Committee of the Whole House.

Mr. SPOONER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2866) for the restoration of William C. Spencer to the Army, reported, as a substitute therefor, a bill (H. R. 12148) providing for a board to examine and report as to the physical condition of William C. Spencer at the time of his resignation from the Army; which was read twice, and accompanied by a report (No. 3197), referred to the Committee of the Whole House.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the Senate (S. 4087) to authorize the purchase of certain manuscript papers and correspondence of Thomas Jefferson, accompanied by a report (No. 3198)—to the Committee of the Whole House on the state of the Union.

Mr. STOCKBRIDGE, in behalf of the minority of the Committee on Commerce, to which was referred the bill of the House (H. R. 11158) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge, and all the necessary approaches thereto, over the Mississippi River above the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River, to the opposite bank in said State, submitted their views in writing thereon; which were ordered to be printed as part 2 of Report No. 3131—to the House Calendar.

Mr. PIERCE, from the Committee on Private Land Claims, reported favorably the bill of the House (H. R. 9622) to confirm certain land to Mrs. Zenon Boutte, in the State of Louisiana, accompanied by a report (No. 3199)—to the Committee of the Whole House.

Mr. CASWELL, from the Committee on the Judiciary, reported favorably the bill of the Senate (S. 4047) supplemental to the act of Congress passed in March, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,'" approved March 22, 1882, accompanied by a report (No. 3200)—to the House Calendar.

Mr. DUNPHY, from the Committee on Claims, reported with amendment the bill of the House (H. R. 21) for the relief of Thomas C. Elli-

son, accompanied by a report (No. 3201)—to the Committee of the Whole House.

Mr. GEST, from the Committee on War Claims, reported favorably the bill of the House (H. R. 10778) for the relief of Lester Noble, accompanied by a report (No. 3202)—to the Committee of the Whole House.

Mr. SPOONER, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 11766) to correct the military record of Marcellus Pettitt, accompanied by a report (No. 3203)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, to which was referred the joint resolution of the House (H. Res. 164) expressing the sense of Congress as to the meaning of existing laws providing pensions for those soldiers and sailors who have sustained the greater loss of an arm and a leg, or who have sustained the lesser loss of one hand and one foot, reported, as a substitute therefor, a bill (H. R. 12149) construing the act of February 28, 1877, increasing the pensions in certain cases; which was read twice, and, accompanied by a report (No. 3204), referred to the House Calendar.

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 3568) authorizing and directing the Secretary of War to revoke the order dismissing Second Lieut. Edwin F. Nixon, accompanied by a report (No. 3205)—to the Committee of the Whole House.

Mr. DAVIDSON, from the Committee on the Library, reported favorably the bill of the House (H. R. 422) to authorize the purchase of the manuscript of William Vans Murray, accompanied by a report (No. 3206)—to the Committee of the Whole House on the state of the Union.

Mr. LODGE, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 2121) for the relief of W. W. Beck, accompanied by a report (No. 3207)—to the Committee of the Whole House.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HOPKINS: A bill (H. R. 12150) to prevent national banks from acting as agents of lottery companies and forfeiting the charters of said banks for violations of the postal laws—to the Committee on Banking and Currency.

By Mr. CUTCHEON: A joint resolution (H. Res. 230) to authorize the Secretary of War to loan two light field guns to the Michigan Military Academy—to the Committee on Military Affairs.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BROOKSHIRE: A bill (H. R. 12151) granting a pension to John W. Ramsey—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 12152) for the relief of Henry L. Morey—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 12153) for the relief of Thomas F. Richardson—to the Committee on Indian Affairs.

By Mr. ROCKWELL: A bill (H. R. 12154) granting a pension to Sheldon Norton—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 12155) authorizing the donation of certain condemned cannon to the New York Military Academy, a chartered school of the State of New York, situated at Cornwall, near West Point, New York—to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petition was laid on the Clerk's desk and referred as follows:

By Mr. FLOWER: Petition of American Brotherhood of Steam-Boat Pilots of the United States, asking for certain legislation—to the Committee on Merchant Marine and Fisheries.

# SENATE.

## SATURDAY, *September* 27, 1890.

The Senate met at 12 o'clock 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. ALLEN presented a petition of 58 citizens of Lynden, in the State of Washington, praying that the Police Gazette and similar publications may be excluded from the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Clear Lake Alliance, No. 1, of Spokane County, Washington, praying for the passage by the Senate of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented a petition of 31 residents of Scott's Bluff County, Nebraska, praying for the passage of Senate bill 3991, known as the pure-food bill, to prevent adulteration and misbranding of food and drugs; which was referred to the Committe on Agriculture and Forestry.

He also presented a memorial of the retail grocers of Philadelphia, Pa., remonstrating against the passage of House bill 283, commonly known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented a memorial of the Labor Alliance of New Orleans, La.; a memorial of colored Republicans of the Fourth district of New Orleans, La.; a memorial of the Seventh Ward Central Club, composed of colored citizens of New Orleans, La., and a memorial of the Teamsters and Loaders' Union Benevolent Association of New Orleans, La., remonstrating against the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a petition of the keeper and surfmen of the Cleveland life-saving station, praying for larger compensation to employés of the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a petition of the council of the city of Cleveland, Ohio, praying for an increase in the pay of employés of the Life-Saving Service; which was referred to the Committee on Commerce.

Mr. MANDERSON presented two petitions of citizens of Colfax County, Nebraskaa; petition of citizens of Nuckolls County, Nebraska, and a petition of citizens of Seward County, Nebraska, praying for the passage of Senate bill 3991, known as the Paddock pure-food bill; which were referrred to the Committee on Agriculture and Forestry.

### REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 10811) granting a pension to Asa Joiner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10810) granting a pension to Samuel S. Humphreys, reported it without amendment, and submitted a report thereon.

### COURTS IN IOWA.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, to report it favorably without amendment; and, as it relates to the convenience of the United States court in the northern district of Iowa and the safety of the records, I ask that it may be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals so much of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882, as requires courts held under the provisions of the act to be held in buildings provided for that purpose without expense to the United States.

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

### WINES'S REPORT ON DEFECTIVE CLASSES.

Mr. MANDERSON. I am directed by the Committee on Printing to report the following resolution, and I ask for its consideration and passage:

*Resolved*, That the order of the Senate of August 3, 1886, first session Forty-ninth Congress, to print Wines's Report on Defective Classes is hereby repealed, the same having been printed as a miscellaneous document of the Forty-seventh Congress.

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

Mr. COCKRELL. What document is that?

Mr. MANDERSON. This document is a volume of the Census of 1880. It was ordered printed at the first session of the Forty-ninth Congress. Because of the imperfect copy received at the Printing Office it has not yet been printed, and we think it best, as it has become very stale matter, that it should not be printed. A part of the material, perhaps all that is essential, was printed as a miscellaneous document in the Forty-seventh Congress. The Public Printer reports this condition of facts, and upon inquiry we are satisfied that there is no necessity for the printing of this volume.

Mr. COCKRELL. Is that in regard to vital statistics?

Mr. MANDERSON. It is in regard to the defective classes.

Mr. COCKRELL. Defective dependent classes?

Mr. MANDERSON. Yes.

Mr. COCKRELL. There is only part of that which was ever published in the final reports of the Tenth Census, as I understand.

Mr. MANDERSON. Yes; that is true.

Mr. COCKRELL. I do not remember seeing the separate report to which the Senator refers. Was that an octavo volume or a quarto?

Mr. MANDERSON. I presume it was a quarto volume, as nearly all those publications were in that form. In fact I know it was in that form. I have seen the matter that was printed.