

## HOUSE OF REPRESENTATIVES.

THURSDAY, May 15, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

## ROCK CREEK RAILWAY.

The SPEAKER laid before the House the bill (S. 2601) to change the route of the Rock Creek Railway, and for other purposes.

The Clerk proceeded to read the bill, which is as follows:

*Be it enacted, etc.*, That the charter of the Rock Creek Railway Company be, and the same is hereby, amended so as to authorize said company to lay its tracks and to run its cars thereon through and along the following-named streets, avenues, and places: Commencing at the intersection of Connecticut and Florida avenues; thence easterly along Florida avenue, formerly known as Boundary street, to Eighteenth street; thence northerly along Eighteenth street to Columbia road; thence westerly, crossing Columbia road and extending through the Cliffbourne tract, to Rock Creek, on such line as shall be approved by the commissioners of the District of Columbia; thence crossing Rock Creek on a substantial, elevated iron bridge to be erected by said company at its own expense and approved by said commissioners, which shall be a thoroughfare open to the public, not less than 50 feet wide, including sidewalks; thence northwesterly through Woodley Park to a point near Woodley road in Connecticut avenue extended, on such line as shall be approved by the commissioners of the District of Columbia; thence northerly along Connecticut avenue extended to the north line of the District of Columbia; also commencing at the intersection of Eighteenth and U streets north-west; thence east, following U street, to Fourteenth street west: *Provided*, That the said company, at its own expense, shall keep its said tracks within the city limits and on Florida avenue and Eighteenth street to Columbia road, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and tracks, at all times well paved with asphalt or such other pavement as the commissioners of the District of Columbia shall approve, and keep the same in good repair; and if said company shall fail to pave or repair the said streets in the manner aforesaid the commissioners of the District of Columbia shall cause the same to be paved or repaired as aforesaid, and the cost of such paving shall be recovered by the commissioners against said company in any court of competent jurisdiction, and the amount so paid for such paving or repairing by said commissioners shall be a lien upon all property of said company from the time that said paving or repairing is made until paid by said company.

SEC. 2. That so much of the original charter of said company, granted by act which became a law June 22, 1888, as prescribed a route or routes for the tracks and road of said company be, and the same hereby is, repealed, and that the route or routes prescribed by this act shall be the only route or routes for the tracks and road aforesaid; *Provided*, That said company shall not operate any part of its road by electric power with overhead wires within the city limits.

SEC. 3. That said company is hereby authorized to issue its capital stock to an amount not to exceed the actual cost, more than 10 per cent. of the right of way, construction and equipment, motive power, and such land and buildings as may be necessary to said road, in shares of \$100 each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the incorporators the amounts severally subscribed by them as follows, namely: Ten per cent. at the time of subscribing and 5 per cent. each thirty days thereafter until 50 per cent. thereof shall have been paid, the balance of such subscription to be paid at such times and such amounts as the board of directors may require; and no subscription shall be deemed valid unless the 10 per cent. thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

And the time in which the work and construction of the road shall begin and be completed is hereby extended so that the work shall be commenced within thirty days and the entire road completed within eighteen months from the passage of this act.

SEC. 4. That when the property-owners shall have dedicated for the purposes of a public highway five-sixths in quantity of the land necessary to open a street of such width as the commissioners of the District of Columbia may prescribe, from Columbia road to Connecticut avenue extended, and also to prolong said Connecticut avenue extended from the point of meeting of said street therewith to the boundary of the District of Columbia for the full width of 130 feet, if any of the remaining owners of property lying within the path of such street or said avenue extended shall refuse or neglect to dedicate their land or lands for the purpose of said street or said avenue, or to sell and convey the same to the District of Columbia at a price to be agreed upon by and between such owners and the said District, then in that event it shall be the duty of the commissioners of the District of Columbia, and they are hereby authorized, empowered, and directed, to condemn, in accordance with the provisions of sections 257 to 267, both inclusive, of the Revised Statutes of the United States, relating to the District of Columbia, the remaining one-sixth of said lands so as aforesaid lying within the path of such street or said avenue extended, or so much thereof as may not have been dedicated or sold, as hereinbefore provided, and to open such street as aforesaid for the width aforesaid, and to open said Connecticut avenue extended for the width of 130 feet as a public highway; *Provided*, That the said company shall furnish the money to pay for the purchase or condemnation of said lands and to compensate the owners therefor; *And provided further*, That the track or tracks of said company shall be laid in such portions of said avenues as will least interfere with public travel, the location of the same to be settled by the commissioners of the District of Columbia.

SEC. 5. That the said company shall continue, subject to all the conditions and limitations of its original charter; and that Congress reserves the right to amend, alter, or repeal the original charter and this act.

Mr. ROGERS (before the reading was concluded). Mr. Speaker, I rise to a parliamentary inquiry. How does this bill come before the House?

The SPEAKER. This is a bill passed by the Senate, which is identical in substance, as the Chair is informed, with a House bill which was reported by the Committee on the District of Columbia, considered by the Committee of the Whole, and reported to the House. On the same day when the Rock Creek Park bill was under consideration in

the House, the House bill of which this is substantially a copy was passed by the Committee of the Whole and reported, but was not reached in the House, the House having adjourned after action upon the Rock Creek Park bill.

Mr. ROGERS. I do not know that I have caught the exact purport of the remarks of the Chair. Is the substance of this bill embraced in a bill which has been reported from the Committee of the Whole to the House?

The SPEAKER. Precisely. The bill was reported favorably to the House and without objection.

Mr. ROGERS. This bill, then, as I understand, is substantially a part of the other bill.

The SPEAKER. It is, as the Chair understands, the same as the bill which was passed in Committee of the Whole and reported to the House. This bill, having passed the Senate, has been sent here, and now becomes, under the rule, business on the Speaker's table.

Mr. FLOWER. Does the route of this proposed railway extend from the Capitol to Rock Creek?

The SPEAKER. The Chair is not informed on that point.

Mr. BREWER. Oh, no.

Mr. FLOWER. Who has charge of the bill?

The SPEAKER. The gentleman from Pennsylvania [Mr. ATKINSON].

Mr. FLOWER. Does this proposed railroad run from the Capitol to Rock Creek?

Mr. ATKINSON, of Pennsylvania. No, sir. It runs from the Boundary across Rock Creek out to the District line. It does not come near the Capitol. It intersects with the railroad lines on Fourteenth street and on Connecticut avenue, by two branches. It does not enter the center of the city at all. It is a suburban line.

Mr. CANNON. You propose to pass the bill now?

Mr. ATKINSON, of Pennsylvania. Yes, sir. The amendments which were suggested here by the gentleman from Illinois [Mr. CANNON] have been inserted in the Senate. This is practically the bill which came out of the Committee of the Whole on the last District day.

Mr. ROGERS. How can this bill grant a right of way unless it be a bill which must be considered in the Committee of the Whole?

The SPEAKER. It does not grant right of way.

Mr. ROGERS. What does it grant?

Mr. ATKINSON, of Pennsylvania. The bill has been considered in the Committee of the Whole.

Mr. ROGERS. I am talking about this bill.

Mr. ATKINSON, of Pennsylvania. I refer to this bill. Some amendments were adopted to the House bill in the Committee of the Whole. Subsequently the Senate in passing the Senate bill adopted those amendments, so that this is practically the bill which came out of the Committee of the Whole in this House, but failed to be acted on here.

Mr. ROGERS. I understand that part of it—

Mr. CANNON rose.

Mr. ROGERS. I will listen to the gentleman from Illinois.

Mr. CANNON. This bill, I understand, is now being considered for passage. What the gentleman from Pennsylvania [Mr. ATKINSON] says is correct. I have followed the amendments in the Senate by reading the RECORD. This bill is to enable a company to construct a railway to the District line, and I am not sure but slightly beyond, they themselves providing their own right of way and dedicating a street (an extension of Connecticut avenue) at their own expense. The House bill having been discussed and amended the other day and favorably reported to the House, this bill, which is substantially the same as the House bill so amended, seems to me a very proper bill to be passed; exceptionally so, I think.

Mr. ROGERS. I know nothing as to whether this is a proper or improper bill. I simply desired to know whether the bill falls within the provisions of clause 2 of Rule XXIV. If it does, I have nothing to say. But it occurs to me that a bill of this character would not fall within the provisions of that rule.

The SPEAKER. It seems to the Chair to do so.

Mr. ROGERS. Without making any further point just now, I will wait until I hear the residue of the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. ROGERS. Mr. Speaker, I want to make a point of order against the consideration of this bill. I understand from the gentleman from Pennsylvania that the original House bill, which it is said is the same in substance as this bill, was considered by the House in Committee of the Whole and was reported from that committee—perhaps passed—but whether passed or not I do not know. Paragraph 2 of Rule XXIV, in reference to the disposition of business on the Speaker's table, contains the following provision:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committee.

Now, if the original bill, which has been already considered in the Committee of the Whole, was so required to be considered by the rules

of the House, I take it that this bill, which is the substance of the other, ought to be considered in the same manner, and if the point of order is made must necessarily be considered in that manner. If it should be considered in the same committee, it does not fall within the provisions of this rule because of that fact, and I make the point of order, therefore, that it must have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. ATKINSON, of Pennsylvania. In response to the gentleman—

The SPEAKER. One moment. The Clerk hands me the original bill, and while it seems to have been considered in the Committee of the Whole House on the state of the Union, it was really on the House Calendar. The Chair knows nothing about either bill except what he has been informed in regard to them.

Mr. ATKINSON, of Pennsylvania. That is the very point I had proposed to make in response to the gentleman from Arkansas, that while the bill was really considered in Committee of the Whole House on the state of the Union it was not necessary to be so considered, because it was a bill on the House Calendar.

The SPEAKER. It seems to have been called up in Committee of the Whole through inadvertence.

Mr. ROGERS. Then, Mr. Speaker, the question would arise whether or not this bill had not gone to the Committee of the Whole on a point of order.

The SPEAKER. The Chair is not aware that it did.

Mr. ROGERS. I think that matter ought to be known before the bill is called up in this manner or laid before the House for its action.

I want to suggest, though, Mr. Speaker, whether or not the bill does not dedicate a street, which necessarily requires its consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair understands not. But if the gentleman from Arkansas can point out any reason under the rules of the House why it should be so considered the Chair would be glad to hear it.

Mr. ROGERS. The difficulty is in getting at the facts. These matters are laid before us in the morning without notice, and we have no opportunity in advance to ascertain the facts as to any particular case. The only fact that I have been enabled to ascertain by the reading of the bill and by the interrogatories so far was the fact that the original bill, of which this is said to be the substance, was considered in the Committee of the Whole House on the state of the Union, and presumably rightly so considered, for the law would presume that what was done was not wrongly done. The presumption is that it was done rightly, and that the bill was properly considered in the Committee of the Whole.

Mr. ATKINSON, of Pennsylvania. But any presumption may be repelled by the facts, and we show the fact that this bill was not on the Calendar of the Committee of the Whole, but on the House Calendar. That disposes of the presumption raised by the gentleman.

Mr. ROGERS. But does not dispose of the presumption that this bill may have gone to the Committee of the Whole on the point of order, which is most likely.

The SPEAKER. If the gentleman can show any ground upon which it should go to the Committee of the Whole House on the state of the Union the Chair will be glad to know it.

Mr. ROGERS. I have not had an opportunity for making an examination into the matter.

The SPEAKER. The bill has been read.

Mr. ROGERS. I am aware of that fact, Mr. Speaker; at least, I presume it was read.

The SPEAKER. The bill has been read this morning.

Mr. ROGERS. Why, even this morning, during the prayer by the Chaplain, I could not help thinking that if the same disorder had prevailed in Arkansas during church service the parties would have been indicted by the grand jury for disturbing public worship. While I doubt not that the bill was read, yet it was impossible to get any information from the reading.

The SPEAKER. If there is disorder on the floor the fault rests with members themselves.

Mr. ATKINSON, of Pennsylvania. Besides, this bill has been twice published in the RECORD, and I do not know of any better way of getting information before the House than in that manner.

Mr. ROGERS. Why, Mr. Speaker, I do not think that anything, since the inauguration of the Spanish Inquisition, has developed so much devilish ingenuity as this rule for compelling members of Congress to read the RECORD to find out what has been done in the House. [Laughter.]

The SPEAKER. The Chair appreciates the misfortune which has been inflicted upon the House, if that is the case. [Laughter.]

Mr. ROGERS. I agree to that, Mr. Speaker; and I was in hopes that it would be continued until we could get a reformation of the rule or a mode of transacting business in the House that should be done under the public eye, which would afford information to the members without being driven to read this RECORD.

Mr. ATKINSON, of Pennsylvania. If the gentleman only gets his

information from the desk he ought to be well informed by this time, for the Clerk has just finished the reading of the bill.

Mr. ROGERS. If you do not preserve order in the House during prayers we can scarcely expect it to be preserved in the transaction of ordinary business.

Mr. ATKINSON, of Pennsylvania. And if the gentleman does not obtain his information from either of the sources named, I would like to ask how he would obtain information at all? Besides that, this bill was not read during prayers. [Laughter.]

Mr. ROGERS. If you would preserve order on your side of the House we might be able to get information from the desk.

Mr. ATKINSON, of Pennsylvania. I think the disorder is just as great on the other side as on this.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, is it in order to move than this bill be committed to the District of Columbia Committee?

The SPEAKER. That motion would be in order.

Mr. BRECKINRIDGE, of Kentucky. Then I move that it be committed to the Committee on the District of Columbia. It is a substitute bill, and the committee can determine whether it is right or not.

Mr. CANNON. I hope that will not be done. This is one railway bill where it is proposed by the parties interested to furnish all the property needed for the right of way, and donate to the Government the extension of one of the city streets, Connecticut avenue, building a bridge 50 or 60 feet high at their own expense. It is one proposition that ought to receive some encouragement because it is unique in itself; it is the only proposition of the kind since I have been here in which the people of the District, without expense to the local government or the General Government, were willing to do a thing of this kind.

Mr. BRECKINRIDGE, of Kentucky. That may be true, as the gentleman states, and I do not mean to deny it. But if it is a meritorious bill it will not hurt to go to the Committee on the District of Columbia, unless the gentleman believes it is a committee which is not in favor of meritorious bills. But if it is a good committee it can be rusted; the more meritorious the bill is, the less danger in going to that committee.

Mr. CANNON. If the gentleman will allow me, I will state that this bill was substantially considered in Committee of the Whole and fully discussed. A reference of the bill to the Committee on the District of Columbia at this time, when there is such a press of public business, probably means the destruction of the bill.

Mr. BRECKINRIDGE, of Kentucky. The reason I have made the motion is because I know nothing about it and the committee could report upon it.

Mr. ATKINSON, of Pennsylvania. Nothing will be gained by referring it to the committee.

Mr. HATCH. I would suggest to the gentleman from Kentucky that this bill would lose its place if it were referred to the Committee on the District of Columbia. It is a meritorious bill, and if it were referred there is no telling when it may be reached. It may not be reached for a month. I therefore hope that the gentleman will withdraw his motion. The gentleman from South Carolina [Mr. HEMPHILL], who represents this side on the Committee on the District of Columbia, is not present, but I know that he is strongly in favor of this bill.

Mr. BRECKINRIDGE, of Kentucky. I really do not know anything about the bill. I tried to catch the last part of the reading, but the Clerk read so admirably and the gentlemen about me talked so handsomely that I did not catch the reading clearly. Still I think it would not hurt if the bill were referred to the committee so that it could examine and report upon it. It could come back again in a short time. We are not going to build the railroad in the month of June, and, while public business perhaps is pressing, it is pressing under rules which facilitate with great rapidity the transaction of public business, and nothing would be so complimentary to the rules as to give them as much to do as possible so as to show that they can do that public business.

Mr. BREWER. I would like to know whether this question is open to debate.

The SPEAKER. It is a motion to refer.

Mr. BREWER. And is open to debate?

The SPEAKER. It is.

Mr. CANNON. I do not think if the gentleman from Kentucky knew the object of this bill he would make objection to its consideration and passage. The truth is that two years ago a railway company was chartered to build a street railway, and a right of way was given through Woodley Lane. That charter expires in a short time. The parties who have that charter desire this amendment. They have abandoned Woodley Lane, have bought the land they desire to run over, and have donated the ground for new streets and avenues for the Government at their own expense. Instead of running over a bridge that was built at the expense of the Government, it builds a bridge and runs its own road over it, and makes the bridge 50 or 60 feet wide for the purpose of donating it to the Government. It is important that this bill should pass, as the other charter expires very soon.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. BRECKINRIDGE, of Kentucky. Where is the bridge?

Mr. CANNON. It is above Woodley Lane bridge, crossing Rock Creek near the southern end of the "Zoo."

Mr. BRECKINRIDGE, of Kentucky. Where is the eastern terminus of this road? Where does the road start?

Mr. CANNON. The road, as I understand it, starts at the Boundary and Connecticut avenue.

Mr. BRECKINRIDGE, of Kentucky. Where is its southwestern or northwestern terminus?

Mr. CANNON. It is over the hills and out about 5 miles to the District line.

Mr. BRECKINRIDGE, of Kentucky. "Over the hills and far away."

Mr. CANNON. "Over the hills and far away."

Mr. MAISH. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. ATKINSON, of Pennsylvania. I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

Mr. ROGERS. Mr. Speaker, I made a point of order.

The SPEAKER. The Chair overrules the point of order.

Mr. ROGERS. Then I renew the motion made by the gentleman from Kentucky [Mr. BRECKINRIDGE]. That was made before the gentleman demanded the previous question.

The SPEAKER. Certainly.

Mr. ROGERS. The gentleman from Kentucky made the motion before the gentleman from Pennsylvania demanded the previous question, and that motion would be in order.

The SPEAKER. The Chair says certainly.

Mr. ROGERS. I did not understand the Chair.

The SPEAKER. The question is upon ordering the previous question.

Mr. MAISH. The gentleman from Illinois has consented that I might ask him a question, and I desire to do so before the motion on ordering the previous question is put. I want to ask whether this bill allows this company to extend Connecticut avenue in any direction it sees proper?

Mr. CANNON. It begins at Boundary.

Mr. MAISH. Is it allowed to extend it in any direction?

Mr. CANNON. It goes on out. They do extend Connecticut avenue to the District line. They have bought the land themselves and they donated the street to the city.

Mr. MAISH. What I want to know is whether they are allowed to extend it in any direction or whether they take it out straight.

Mr. ATKINSON, of Pennsylvania. Only in the true direction of Connecticut avenue.

Mr. MAISH. In conformity with the plan of the city?

Mr. ATKINSON, of Pennsylvania. In conformity with the plan of the city.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me one question?

Mr. ATKINSON, of Pennsylvania. Certainly.

Mr. BRECKINRIDGE, of Kentucky. Does this bill limit the amount of dividend that the company shall declare on its stock, and for any mode by which the facilities of the road shall be increased by the expenditure upon it of the additional income over and above that dividend, or any mode by which the fare shall be reduced when that limit of dividend is reached?

Mr. ATKINSON, of Pennsylvania. This is an amendment to the act which was passed in 1888, and I do not know whether it embraces all that is suggested by the gentleman's question or not; but there is a careful limitation to the financial part of this charter, I believe.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman kindly inform the House, if he does not know, who upon the floor of the House can give us that information before we vote?

Mr. ATKINSON, of Pennsylvania. If you will take the act and examine it you can ascertain.

Mr. BRECKINRIDGE, of Kentucky. That is the reason why I think it ought to go to the committee, so that the gentleman can tell us next time what it does provide in that regard.

The question was taken on ordering the previous question; and the Speaker announced that the "ayes" seemed to have it.

Mr. ROGERS. Division.

The House divided; and there were—ayes 97, noes 45.

Mr. ROGERS. Yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER (after a count). Thirty-one members have arisen in support of the demand for the yeas and nays—not a sufficient number.

Mr. ROGERS. The other side.

The SPEAKER (after counting the other side). One hundred and fourteen gentlemen have arisen against the motion to ordering the yeas and nays, and the yeas and nays are ordered.

The question was taken; and there were—yeas 136, nays 74, not voting 117; as follows:

## YEAS—136.

Adams,	Coleman,	Lacey,	Rife,
Allen, Mich.	Comstock,	La Follette,	Rockwell,
Anderson, Kans.	Conger,	Laidlaw,	Rowell,
Atkinson, Pa.	Cooper, Ohio	Lansing,	Russell,
Atkinson, W. Va.	Craig,	Laws,	Sawyer,
Baker,	Culbertson, Pa.	Lee,	Scranton,
Banks,	Cutcheon,	Lehlbach,	Scull,
Bartine,	Dalzell,	Lind,	Simonds,
Bayne,	Darlington,	Lodge,	Smith, Ill.
Beckwith,	Dingley,	Mason,	Smith, W. Va.
Belden,	Dolliver,	McComas,	Smyser,
Belknap,	Dorsey,	McKenna,	Snider,
Bergen,	Dunnell,	McKinley,	Spooner,
Biggs,	Evans,	McRae,	Stephenson,
Bingham,	Finley,	Miles,	Stewart, Vt.
Bliss,	Flick,	Milliken,	Stivers,
Boutelle,	Gear,	Moffitt,	Stockbridge,
Bowden,	Gest,	Moore, N. H.	Taylor, E. B.
Brewer,	Greenhalge,	Morey,	Taylor, Ill.
Brosius,	Grosvenor,	Morrill,	Taylor, Tenn.
Buchanan, N. J.	Hall,	Morrow,	Thomas,
Burrows,	Harmer,	Mudd,	Townsend, Colo.
Burton,	Hatch,	Niedringhaus,	Townsend, Pa.
Butterworth,	Haugen,	Nute,	Vandever,
Caldwell,	Henderson, Ill.	O'Neill, Pa.	Van Schaick,
Campbell,	Henderson, Iowa	Osborne,	Wade,
Candler, Ga.	Hill,	Payne,	Walker, Mass.
Candler, Mass.	Hitt,	Pickler,	Wallace, Mass.
Cannon,	Hopkins,	Post,	Wallace, N. Y.
Carter,	Kelley,	Raines,	Wheeler, Mich.
Caswell,	Kennedy,	Randall,	Wickham,
Cheadle,	Ketcham,	Ray,	Wilson, Wash.
Clark, Wis.	Kinsey,	Reed, Iowa	Wright,
Cogswell,	Knapp,	Reyburn,	Yardley.

## NAYS—74.

Abbott,	Crain,	Maish,	Rowland,
Anderson, Miss.	Culbertson, Tex.	Martin, Ind.	Sayers,
Andrew,	Cummings,	McClammy,	Skinner,
Barnes,	Davidson,	McClellan,	Springer,
Bland,	Dibble,	Montgomery,	Stewart, Ga.
Blount,	Edmunds,	Moore, Tex.	Stewart, Tex.
Breckinridge, Ark.	Fitch,	Morgan,	Stocketdale,
Breckinridge, Ky.	Flower,	Mutcher,	Stump,
Brookshire,	Forney,	O'Neil, Mass.	Tarsney,
Buchanan, Va.	Fowler,	Outhwaite,	Tracey,
Bynum,	Geissenhainer,	Owens, Ohio	Tucker,
Chipman,	Hare,	Parrett,	Turner, Ga.
Clancy,	Haynes,	Paynter,	Turpin,
Clarke, Ala.	Henderson, N. C.	Perington,	Wheeler, Ala.
Clements,	Herbert,	Pierce,	Whiting,
Cobb,	Holman,	Quinn,	Willcox,
Cooper, Ind.	Lanham,	Reilly,	Wilson, Mo.
Covett,	Lester, Ga.	Richardson,	
Cowles,	Lester, Va.	Rogers,	

## NOT VOTING—117.

Alderson,	Dunphy,	Magner,	Sherman,
Allen, Miss.	Elliott,	Mansur,	Shively,
Arnold,	Ellis,	Martin, Tex.	Spinola,
Bankhead,	Enloe,	McAdoo,	Stahlnecker,
Barwig,	Ewart,	McCarthy,	Stone, Ky.
Blanchard,	Farquhar,	McCord,	Stone, Mo.
Boatner,	Featherston,	McCormick,	Struble,
Boothman,	Fithian,	McCreary,	Sweeney,
Brickner,	Flood,	McMillin,	Taylor, J. D.
Brower,	Forman,	Mills,	Thompson,
Brown, J. B.	Frank,	Morse,	Tillman,
Browne, T. M.	Funston,	Norton,	Turner, Kans.
Browne, Va.	Gibson,	Oates,	Turner, N. Y.
Brunner,	Gifford,	O'Donnell,	Venable,
Buckalew,	Goodnight,	O'Ferrall,	Waddill,
Bullock,	Grimes,	O'Neill, Ind.	Walker, Mo.
Bunn,	Grout,	Owen, Ind.	Washington,
Carlisle,	Hansbrough,	Payson,	Watson,
Carlton,	Hayes,	Peel,	Whitthorne,
Caruth,	Heard,	Perkins,	Wike,
Catchings,	Hemphill,	Perry,	Wiley,
Cheatham,	Hermann,	Peters,	Wilkinson,
Clunie,	Hooker,	Phelan,	Williams, Ill.
Connell,	Houk,	Price,	Williams, Ohio
Cothran,	Kerr, Iowa	Pugsley,	Wilson, Ky.
Crisp,	Kerr, Pa.	Quackenbush,	Wilson, W. Va.
Dargan,	Kilgore,	Robertson,	Yoder.
De Haven,	Lane,	Rusk,	
De Lano,	Lawler,	Sanford,	
Dockery,	Lewis,	Seney,	

So the previous question was ordered.

The following-named members were announced as paired until further notice:

Mr. THOMPSON with Mr. STONE, of Missouri.

Mr. MCCORMICK with Mr. OATES.

Mr. WATSON with Mr. O'NEALL, of Indiana.

Mr. FRANK with Mr. NORTON.

Mr. SHERMAN with Mr. SPINOLA.

Mr. WILSON, of Kentucky, with Mr. MCCREARY.

Mr. SWENEY with Mr. MANSUR.

Mr. TAYLOR, of Illinois, with Mr. LAWLER.

Mr. JOSEPH D. TAYLOR with Mr. ALLEN, of Mississippi.

Mr. WHEELER, of Michigan, with Mr. PHELAN.

Mr. CONNELL with Mr. MARTIN, of Texas.

Mr. O'DONNELL with Mr. LANE.

Mr. PUGSLEY with Mr. CARLISLE.

Mr. GIFFORD with Mr. WHITTHORNE.

Mr. DE LANO with Mr. WALKER, of Missouri.  
Mr. PETERS with Mr. HOOKER.

The following were announced as paired for this day:

Mr. CHEATHAM with Mr. MAGNER.

Mr. GROUT with Mr. STONE, of Kentucky.

Mr. EWAET with Mr. BANHEAD.

Mr. TURNER, of Kansas, with Mr. SENEY.

Mr. FARQUHAR with Mr. HEMPHILL.

Mr. THOMAS M. BROWNE with Mr. JASON B. BROWN, for the rest of the day.

The following on this vote:

Mr. HOUK with Mr. ENLOE.

Mr. PAYSON with Mr. TILLMAN.

Mr. BROWNE, of Virginia, with Mr. WILEY.

Mr. MORSE with Mr. ELLIS, until Saturday next.

Mr. FITHIAN. Mr. Speaker, I was not present when my name was called, but if I had been I would have voted "no."

Mr. LODGE. Mr. Speaker, I thought I heard my name read in the announcement of a pair.

The SPEAKER. The gentleman was announced as paired with the gentleman from Virginia [Mr. TUCKER].

Mr. LODGE. That pair expired yesterday, and I understand that the gentleman from Virginia has voted.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] has voted.

Mr. LODGE's vote was recorded.

Mr. BOOTHMAN. I desire to state that I am paired with the gentleman from Ohio [Mr. YODER] and therefore I have not voted.

Mr. WADDILL. Mr. Speaker, I was present during the roll-call, but did not hear my name. I desire to vote.

The SPEAKER. The rule does not permit the Chair to entertain the gentleman's request.

Mr. McMILLIN. Mr. Speaker, I was unable to respond on the first call, and during the second I was called out. I suppose I am not entitled to vote, but if I were I would vote "no."

On motion of Mr. ATKINSON, of Pennsylvania, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER. The previous question is ordered, and the question is on the third reading of the bill.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. Is not the question now on the motion which I made to refer this bill to the Committee on the District of Columbia?

The SPEAKER. The gentleman is right. The Chair had forgotten that that motion was pending. The question is upon the motion of the gentleman from Kentucky to refer the bill to the Committee on the District of Columbia.

The question was taken; and the Speaker declared that the yeas seemed to have it.

Mr. ROGERS. I ask for a division.

The House divided; and there were—yeas 56, noes 119.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 143, not voting 104; as follows:

YEAS—80.

Abbott,	Cowles,	Lester, Ga.	Rowland,
Anderson, Kans.	Davidson,	Lester, Va.	Rusk,
Andrew,	Dibble,	Maish,	Sayers,
Barnes,	Dockery,	Martin, Ind.	Skinner,
Barwig,	Edmunds,	McClellan,	Springer,
Bland,	Elliott,	McMillin,	Stewart, Ga.
Blount,	Fitch,	McKee,	Stewart, Tex.
Breckinridge, Ark.	Fithian,	Moore, Tex.	Stewart, Vt.
Breckinridge, Ky.	Forman,	Morgan,	Stockdale,
Brookshire,	Forney,	Mutchler,	Stump,
Brunner,	Fowler,	O'Neil, Mass.	Tarsney,
Buchanan, Va.	Geissenhainer,	Owens, Ohio	Tillman,
Bunn,	Grimes,	Parrett,	Tucker,
Bynum,	Hare,	Penington,	Turner, Ga.
Chipman,	Hayes,	Pierce,	Turner, N. Y.
Clarke, Ala.	Haynes,	Quinn,	Turpin,
Clements,	Herbert,	Reilly,	Wheeler, Ala.
Cobb,	Holman,	Richardson,	Whiting,
Cooper, Ind.	Kilgore,	Robertson,	Wike,
Covert,	Lanham,	Rogers,	Wilson, Mo.

NAYS—143.

Adams,	Brosius,	Cooper, Ohio	Greenhalge,
Allen, Mich.	Brown, Va.	Craig,	Grosvenor,
Atkinson, Pa.	Buchanan, N. J.	Crain,	Hall,
Atkinson, W. Va.	Burrows,	Culbertson, Pa.	Harmer,
Baker,	Burton,	Cutcheon,	Hatch,
Banks,	Butterworth,	Dalzell,	Haugen,
Bartine,	Caldwell,	Darlington,	Henderson, Ill.
Bayne,	Campbell,	Dingley,	Henderson, Iowa
Beckwith,	Candler, Mass.	Dolliver,	Henderson, N. C.
Belden,	Cannon,	Dorsey,	Hill,
Belknap,	Carter,	Dunnell,	Hitt,
Bergen,	Caswell,	Evans,	Hopkins,
Biggs,	Cheadle,	Finley,	Kelley,
Bingham,	Clark, Wis.	Fleck,	Kennedy,
Bliss,	Cogswell,	Flower,	Ketcham,
Boutelle,	Coleman,	Funston,	Kinsey,
Bowden,	Comstock,	Gear,	Knapp,
Brewer,	Conger,	Gest,	Lacey,

La Follette,	Morey,	Rife,
Laidlaw,	Morrill,	Rockwell,
Lansing,	Morrow,	Rowell,
Laws,	Mudd,	Russell,
Lee,	Niedringhaus,	Sanford,
Lehlbach,	Nute,	Seranton,
Lind,	O'Neill, Pa.	Scull,
Lodge,	Osborne,	Simonds,
Mason,	Owen, Ind.	Smith, Ill.
McClammy,	Payne,	Smith, W. Va.
McComas,	Pickler,	Smyser,
McKenna,	Post,	Snider,
McKinley,	Quackenbush,	Spooner,
Miles,	Raines,	Stephenson,
Milliken,	Randall,	Stivers,
Moffitt,	Ray,	Stockbridge,
Montgomery,	Reed, Iowa	Taylor, E. B.
Moore, N. H.	Reyburn,	Taylor, Ill.

NOT VOTING—104.

Alderson,	Cummings,	Lewis,	Sawyer,
Allen, Miss.	Dargan,	Magner,	Seney,
Anderson, Miss.	De Haven,	Mansur,	Sherman,
Arnold,	De Lano,	Martin, Tex.	Shively,
Bankhead,	Dunphy,	McAdoo,	Spinola,
Blanchard,	Ellis,	McCarthy,	Stahlnecker,
Boatner,	Enloe,	McCord,	Stone, Ky.
Boothman,	Ewart,	McCormick,	Stone, Mo.
Brickner,	Farquhar,	McCreary,	Struble,
Brower,	Featherston,	Mills,	Sweney,
Brown, J. B.	Flood,	Morse,	Taylor, J. D.
Browne, T. M.	Frank,	Norton,	Thompson,
Buckalew,	Gibson,	Oates,	Tracey,
Bullock,	Gifford,	O'Donnell,	Turner, Kans.
Candler, Ga.	Goodnight,	O'Ferrall,	Venable,
Carlisle,	Grout,	O'Neill, Ind.	Walker, Mo.
Carlton,	Hansbrough,	Outhwaite,	Washington,
Caruth,	Heard,	Paynter,	Watson,
Catchings,	Hemphill,	Payson,	Whitthorne,
Cheatham,	Hermann,	Peel,	Wiley,
Clancy,	Hooker,	Perkins,	Wilkinson,
Clunie,	Houk,	Perry,	Willecox,
CConnell,	Kerr, Iowa	Peters,	Williams, Ill.
Cothran,	Kerr, Pa.	Phelan,	Wilson, Ky.
Crisp,	Lane,	Price,	Wilson, W. Va.
Culbertson, Tex.	Lawler,	Pugsley,	Yoder.

So the motion of Mr. BRECKINRIDGE, of Kentucky, was rejected.

The following additional pairs were announced:

Mr. PAYSON with Mr. COTHRAN, on this vote.

Mr. ARNOLD with Mr. MCCARTHY, on this vote.

Mr. HOUK with Mr. ENLOE, for this day.

Mr. HANSBROUGH with Mr. CARUTH, for this day.

Mr. OATES. Mr. Speaker, I am paired. If I were not, I would vote against the motion to refer, and for the bill.

On motion of Mr. ATKINSON, of Pennsylvania, by unanimous consent, the reading of the names of members not voting was dispensed with.

The result of the vote was then announced, as above recorded.

Mr. COOPER, of Indiana. Mr. Speaker, I desire to raise a point of order on this bill, which would have been raised before but for a misunderstanding. My point is that this bill makes an appropriation of public lands for the purposes of this road, and should therefore be considered in Committee of the Whole.

The SPEAKER. It is too late to make the point of order.

Mr. COOPER, of Indiana. If the Chair will allow me, it was stated from the chair that the bill did not appropriate any portion of the public lands, and for that reason the point was not urged at the time. I have since discovered that the proposed road will pass through the Zoological Park, and therefore the bill does provide for granting a right of way through a part of the public domain and should receive its first consideration in Committee of the Whole, under Rule XXIII, paragraph 3, which provides as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

Now, Mr. Speaker, it is not too late to correct the mistake; and if this point of order was overruled, or was not entertained, upon the supposition that the bill made no appropriation of any portion of the public domain, and if now it is ascertained that such an appropriation is made, it seems to me that the Chair ought to correct the mistake and sustain the point of order.

The SPEAKER. The Chair gave ample opportunity for gentlemen making points of order to state the grounds on which they were put.

Mr. COOPER, of Indiana. But the Chair stated that the bill did not make any appropriation—

The SPEAKER. The gentleman will please not interrupt the Chair.

Mr. ROGERS. I rise to a question of privilege.

The SPEAKER. The Chair is addressing the House. The Chair gave opportunity for gentlemen to present the grounds or facts on which they made their points of order. This bill, or a measure substantially like it, was considered in the Committee of the Whole, was agreed to, and was reported favorably to the House. The Chair was unaware that any point of order could be made, and overruled the point of order upon the state of facts as presented. The House has proceeded to vote upon the question of reference. No appeal having been taken from

the decision of the Chair, that matter as a question of parliamentary law is concluded. The Chair would add that this is a mere question of the method of consideration under the rules.

So far as the Zoological Park is concerned, the Chair is informed that that has not yet been taken by the United States, and consequently is not public property.

Mr. ROGERS. I rise to a question of privilege. The Chair has stated substantially, I suppose, what has taken place in the House, but it will be distinctly remembered by the Chair that I made in time the point of order specified by the gentleman who has just addressed the Chair. Upon the making of that point of order it was stated, as I understood—and I think the minutes will show I am correct—by the gentleman who had charge of the bill that it did not donate any public property. Now, a right of way through the public domain is an easement, and is therefore property; and if the Government owns any property through which this road will pass, the granting of a right of way through it would be the granting of an easement, and therefore the granting of property.

Now, I say as a matter of privilege that if the House has been misled by the statement of the gentleman from Pennsylvania—and if any statement he made was incorrect, I do not suppose at all it was intentionally so—if it is now discovered that there was a mistake upon which the House has acted, it seems to me the Chair ought to contribute all that is possible to the integrity of our proceedings by having the matter undone; because we could not tell from the reading of the bill—it is couched in such language that nobody can tell from the reading—whether this road does or does not run over public property. I am informed by more than one gentleman on the other side of the House that this road is to run through the Zoological Garden. If that fact had been made known to the Chair, he would not have overruled the point of order I made; and the very integrity of our proceedings ought to require the Chair to correct the error if he has acted upon an unintentional misrepresentation of facts.

The SPEAKER. But the gentleman from Arkansas will observe that all questions of this character have to be decided upon the state of facts presented to the Chair at the time the decision is made; and the Chair ruled upon the state of facts as presented. The Chair repeats that, as he is informed, the Zoological Park has not yet been taken by the United States, and consequently is not public property. Whether the bill would grant United States property or not is a debatable matter; and those matters have not been required to be considered in Committee of the Whole. So that had the point of order been made upon the ground now stated it would, if the present information of the Chair is correct, have been overruled.

Mr. ROGERS. No information has reached the House on this point in a public way, and of course I do not care to controvert the statement of the Chair; but I want the other side, if they propose to do business in this way, to assume all the responsibility for it; that is all.

Mr. CANNON. I think I know something about this proposition, and so far as I am concerned I am willing with my vote to assume the responsibility. It seems to me this is the one meritorious proposition for a street railroad that we have had here. These parties propose at their own expense to build their road and to erect a bridge and to open an avenue, which are to be dedicated to the public. It seems to me there can be no well founded objection to the measure.

Mr. ROGERS. I think I ought to be allowed a moment in reply to the gentleman. This bill may be absolutely meritorious; I do not question it; I do not know anything to the contrary—

The SPEAKER. The question is not debatable except by unanimous consent.

Mr. CANNON. Allow me a moment. The necessity for passing this bill at the present time is because it is an amendment to an old charter which will expire in about two weeks, and if this bill be defeated now or referred to a committee it means that this road can not be built without initiating new legislation. The delay would be a detriment to the public and an injustice to these men who have put their money into this enterprise, and who propose to construct a road outside of the city limits, over the hills and hollows of the northwest.

Mr. ROGERS. Now, I think I ought to be allowed half a minute in reply to the gentleman.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] desires to make a statement. The Chair hears no objection.

Mr. ROGERS. My statement shall be very brief. It may be that this bill is absolutely meritorious; I very much hope that it may turn out so. My sole object in the efforts I have made to have the bill considered in the Committee of the Whole has been that the House might be thoroughly satisfied on that point. One fact is known to the people of this District, that the corporations in operation here—the railroad companies and the gas companies—have been oppressing the people in the most outrageous manner; and it behooves Congress in every step that it takes in reference to the granting of further privileges to corporations to see that every point is guarded for the safety of the people. That is what I want. And I want, in a case where this is not done, where we do not have the privilege of considering it under the rules of the House, for the party who puts it through under the whip and spur to take the responsibility for it.

That is all I desired to say.

The SPEAKER. The question is on ordering the bill to be read a third time.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. ATKINSON, of Pennsylvania, 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. In the absence of objection, the bill (H. R. 8251) covering the same ground will be laid upon the table.

#### CONSIDERATION OF THE TARIFF BILL.

Mr. MCKINLEY. Mr. Speaker, I am instructed by the Committee on Rules to submit the following report, which I send to the desk. The Clerk read as follows:

*Resolved*, That on Saturday, May 10, at the close of the legislative day, the general debate on the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, shall terminate; that on Monday, May 12, at 11 o'clock a. m., the House will proceed, in Committee of the Whole, to consider said bill by paragraphs, under the five-minute rule, and that the consideration of said bill shall be continued daily until Monday, May 19, at 4 o'clock p. m., at which time the bill and pending amendments shall be reported to the House.

The Committee on Rules, to whom was referred the accompanying resolution introduced in the House on May 8, 1890, have had the same under consideration, and ask leave to report the following substitute therefor:

*Resolved*, That after the passage of this resolution the House shall assemble at 11 o'clock a. m. on each legislative day. That immediately after the reading of the Journal and the consideration of conference reports and House bills with Senate amendments the House shall resolve itself into Committee of the Whole House on the state of the Union to consider House bill 9416, to reduce the revenue and equalize duties on imports, and for other purposes. That said bill shall be read through, commencing with paragraph 111, and shall then from day to day be open to amendment upon any part thereof following paragraph 110. That on Wednesday, May 21, at 12 o'clock m., said bill with all amendments recommended by the Committee of the Whole House on the state of the Union shall be reported to the House.

Mr. MCKINLEY. On that I demand the previous question, but yield first to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, before proceeding, I desire to submit a parliamentary question. I wish to know what rule regulates the debate upon this report? The gentleman from Ohio has demanded or will demand the previous question.

The SPEAKER. The gentleman from Ohio has the floor and has yielded to the gentleman from Georgia—how much time the Chair has not understood.

Mr. MCKINLEY. How much time does the gentleman from Georgia desire?

Mr. BLOUNT. I will state in a few moments.

What I desire to inquire is this: Suppose the previous question shall be ordered, is there anything in the rule that entitles me to any time for debate on the report?

The SPEAKER. Not if debate has taken place before the previous question is ordered. Otherwise there would be forty minutes for debate.

Mr. BLOUNT. I ask the question simply out of deference to certain suggestions made by members sitting near me.

Then I understand the status of the matter to be this: The gentleman from Ohio has the floor and yields to me a portion of the time?

Mr. MCKINLEY. What time does the gentleman desire—ten or fifteen minutes?

Mr. BLOUNT. That will be sufficient for me.

Mr. SPRINGER. But others on this side would like to be heard.

Mr. McMILLIN. If the gentleman from Georgia will permit me, I hope the gentleman from Ohio will not insist on cutting off the debate on this important question on this side of the House in fifteen minutes.

Mr. MCKINLEY. I am yielding to the gentleman from Georgia all the time he asks.

Mr. BLOUNT. I do not care to have it put that way, Mr. Speaker. I take as much time as the gentleman from Ohio gives me because I can get no more. But I do not wish to be understood as including gentlemen on this side of the House in my assent to that, because, as I understand it, there are some gentlemen on this side who would like to be heard.

Mr. MCKINLEY. I yield to the gentleman fifteen minutes.

Mr. SPRINGER. I desire to ask the gentleman from Ohio if he will yield further time on this side of the House?

Mr. MCKINLEY. If the gentleman from Georgia wants the time I hope he will proceed.

Mr. BLOUNT. I was waiting, thinking probably the gentleman from Ohio desired to answer the courteous suggestion of the gentleman from Illinois.

Mr. SPRINGER. Will the gentleman from Ohio yield any further time to this side of the House? [After a pause.] I presume the gentleman's silence means that he will not.

Mr. BLOUNT. Mr. Speaker, there is no gentleman who has given even a casual study to the history of our race or to the parliamentary law obtaining in the various legislative bodies in England and in this country who does not readily see the reverence which has always pervaded those bodies with regard to absolute liberty in debate. The free-

dom of the press and the right to discussion, especially in parliamentary bodies, involving questions of taxation and expenditure, have always hitherto been regarded as sacred, and the right of debate has been observed by all the rules of procedure of such bodies.

For many centuries there has stood out among the bulwarks of liberty, in the laws governing procedure in the Parliament of Great Britain, the maxim that wherever taxation was proposed or expenditure of the public money involved, in order that the ordinary restraints on debate should not obtain, such measures should have their first consideration in a committee of the whole, where there should be free discussion and every opportunity for amendment of the measure. That has obtained in the history of the House of Representatives from the beginning of the Government until this Congress has assembled and taken a different direction.

Why, we declare in our rules, what? The same principle, that—

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph.

You have at this session of Congress still recognized the right to debate in Committee of the Whole. You have still referred questions involving public expenditures or taxation to the Committee of the Whole. You have given it, however, into the power of the committee to limit debate upon it. You have created a Committee of the Whole of one hundred members; you have provided that one hundred is sufficient to transact business in Committee of the Whole; and you have likewise provided against dilatory motions. And yet, Mr. Speaker, with all of these restraints that you have thrown about consideration in Committee of the Whole, if this report shall be adopted, if such proceedings shall obtain in this House, it is idle to talk of this as a rule. It is written in your code, it is true, but your practice under the rule is utterly in violation of it.

Not long since, sir, we had before this House an important bill relating to the Territory of Oklahoma, and under the rule of the House the committee proceeded with its consideration, until the majority, by the operation of a rule of this character, took it from the Committee of the Whole and placed it under the operation of the previous question.

You had the copyright bill in the other day under an order. It seems to be the policy of the majority side of this House, whenever any matter is of magnitude, requiring debate, likely to generate conflict of thought on this floor, that the operation of this rule shall be suspended, that it shall be nugatory, and that the majority side of the House shall say to the minority, "We are tired of your debate, and we intend to take this rule out of the way and silence you."

Mr. Speaker, what is the proposition of the resolution as to debate? You, the majority, say to the minority, "We will allow you to go on and debate this bill until 12 o'clock Wednesday next. At the end of that time we intend to stop discussion; we intend to take it up whether fully considered or not, and intend to pass it through the House, it matters not whether all the paragraphs have been considered; it matters not that the Committee on Ways and Means have taken weeks to gather the information upon which to base their report of this measure to the House; it matters not that the bill carries 156 pages; it matters not that it involves all the business relations of all the people of this mighty nation; it matters not that it affects our commercial relations with all the countries of the world; it matters not that it is one of the great political issues of the times; it matters not that it is not an annual bill, ending at the close of twelve months, but a system fastened for years upon the people."

You have determined upon a measure and you are impatient of debate. A powerful minority are asking for freedom, freedom of debate. Who are these representatives of the people? There are two great parties in this land; these are their representatives. You have elected your President by a minority of the people of this country. If you have a majority upon this floor, it is at best a small majority. Therefore, it is to this vast body of American Representatives upon this floor that you are declaring you mean to suspend the operation of this rule with reference to debate in Committee of the Whole on the most important question to which it can have application—to prevent debate and report this measure to the House at 12 o'clock on Wednesday next.

Mr. Chairman, public opinion in this country is a matter to which we all defer. There is not a crowned head in Europe, there is not a diplomat, there is not a legislative assembly, which does not study the public thought. It progresses sometimes more rapidly than we do. It may err at times. How important, sir, it is that that public opinion, if it is to dominate, whether it is founded on partiality or on prejudice, shall be enlightened by debate, in the press, in the House of Representatives, and in the Senate, under those rules designed to promote and facilitate thorough consideration for centuries.

This bill involves, sir, great questions, great policies. It is vast in its details. I will not undertake at this time, nor perhaps would it be proper for me, to enter into the various phases of this conflict on this question. I need not call attention to its importance. I do regret, Mr. Speaker, that the majority of the Committee on Rules have thought fit to take this departure and apply it at this particular place. It may be said: "Why, you scarcely occupied the four days assigned for general debate."

Mr. Speaker, I wish to state a truth which will be recognized by every member on this side of the House, to wit: That before the bill came up for consideration at all a fiat rang through the Hall that when taken up four days would be given to general debate and eight days to debate under the five-minute rule. The very announcement repressed debate. Many gentlemen on this side, deeply feeling the importance of this measure, became conscious at once that it was idle for them to prepare for that discussion. It was done, sir, in advance. The same thing has obtained in reference to the five-minute debate. This very dictum, coming from that side of the Hall, made by my distinguished friend, the chairman of the Committee on Ways and Means, the gentleman from Ohio [Mr. MCKINLEY], at the opening of the debate, has repressed debate.

The same repression, sir, has proceeded in the five-minute debate. I say there has never been anything like it, in my opinion, in the history of the country from its commencement until now in the matter of the consideration of a question of taxation of the American people. [Applause on the Democratic side.]

Mr. Speaker, it is to me a painful situation. Let not my friend be mistaken in the idea that this side of the House is not disposed to take up time carefully. My friend from Ohio said yesterday, perhaps in the heat of debate, to my friend from Tennessee [Mr. McMILLIN], "We are tired of your talk;" and we have this resolution this morning. It is very natural, sir, for the majority to be tired of the talk of the minority; it is very natural for the minority to be tired of the speeches of the majority; but higher than minority, higher than majority, is that right of discussion which belongs to American Representatives whenever a question of taxation is involved; and it is a procedure, sir, I protest against as un-American, unwise, and in violation of parliamentary procedure. [Applause on the Democratic side.]

Mr. MCKINLEY. Mr. Speaker, the gentleman from Georgia [Mr. BLOUNT] has declared that the minority is clamoring for freedom of debate and that the majority, by the rule which is proposed this morning, intend to stifle that earnest call of the minority for liberty of discussion. Mr. Speaker, this rule has no such purpose. Its purpose is not to stifle debate, but to direct and concentrate debate upon the paragraphs and the provisions of this bill; for any gentleman who has listened to the discussions in the last three days must be convinced that everything else has been debated by gentlemen upon the other side save and except the paragraphs under consideration. Everything else was talked about but the schedule actually before the Committee of the Whole House and on which we are called upon to vote. Farm mortgages in Iowa and Kansas, "trusts" and "combinations" in other sections of the Union, everything, I repeat, was discussed but the real question that was to be determined by the Committee of the Whole House.

The purpose of this rule, I say, is not to limit debate or to deny the other side freedom of debate; but it is to deny them the right to delay public business by dilatory motions and by obstructive tactics, and that is all there is in this proposition. Why, we have already given to this House thirty-five hours of general debate; we have already given to this House fifteen hours of debate under the five-minute rule, and we propose to give to this House five days more of debate to consider this bill by paragraphs under the five-minute rule.

The gentleman from Georgia [Mr. BLOUNT] says the like of this which we now propose never occurred in the American Congress before. Does the gentleman forget how much time has been given in the past to tariff bills? Why, the first tariff bill in the Forty-fourth Congress had but one day of consideration, and the bill in the Forty-fifth Congress was considered just six days, and not continuously. In the first session of the Forty-eighth Congress the tariff bill was considered just nine days in all, while we proposed to give you not nine days only, but twelve full days, and nights if you want them, for the consideration of the proposed bill.

Mr. LANHAM. Those nine days in the Forty-eighth Congress were consumed in general debate alone.

Mr. MCKINLEY. In general debate. That is all you had and all you wanted; because the enacting clause of your bill was stricken out at once and stricken out in a Democratic Congress. [Applause on the Republican side.] Why, sir, in the first session of the Forty-eighth Congress your House not only limited debate, but refused any detailed consideration of the tariff bill that was presented by the Committee on Ways and Means, or of any tariff bill—denied the House the poor privilege of going into the Committee of the Whole. You refused to permit it to be considered under the five-minute rule at all. You would not even permit of its reading, and shut off all debate and all amendments. Your House, a Democratic House, refused not only debate upon paragraphs, but all amendments.

Mr. McMILLIN. Will the gentleman permit me to have read in this connection what the present Speaker of the House, then upon the floor, said against limiting general debate on that occasion?

Mr. MCKINLEY. The gentleman may print that in the RECORD.

Mr. McMILLIN. I do not want to print it. I want it to go to the country, and I want it to go right here.

Mr. MCKINLEY. I do not yield to the gentleman for that purpose. I have no doubt that the present Speaker of the House, when he was in the minority, was clamorous for more debate. I have no doubt of that. [Laughter.]

Mr. McMILLIN. Exactly. Why is it that debate is injurious to this bill if it is a proper measure?

Mr. MCKINLEY. Why, every moment of debate indulged in on the other side of this House has helped this bill and made its passage the more certain and assured. [Applause on the Republican side.]

Mr. McMILLIN. Yes, we gave it a little help yesterday. Now let us help it some more.

Mr. MCKINLEY. We did have much help from you yesterday, and your proceedings for the last three days, seeking to delay the public business, have made necessary this rule which is reported here this morning.

Mr. McMILLIN. I will state to the gentleman from Ohio that the last thing that occurred yesterday was the exposure of a false statement contained in the bill itself.

Mr. MCKINLEY. The gentleman knows better than that.

Mr. McMILLIN. The gentleman from Massachusetts [Mr. CANDLER] called attention to it.

Mr. MCKINLEY. The gentleman knows better than that. I am not going to stop to discuss here whether the amendment of the gentleman from Massachusetts belonged properly to paragraph 110 or to paragraph 112, but if the gentleman [Mr. McMILLIN] will examine those two paragraphs again he will see clearly that he was entirely mistaken.

Mr. McMILLIN. I examined them again carefully last night and I am satisfied that I was entirely correct.

Mr. MCKINLEY. Well, the gentleman is entirely wrong, but I do not care about that. But, Mr. Speaker, gentlemen upon the other side are complaining that we do not give them time to consider this bill. Why, they would not even consider their own tariff bill in the Forty-eighth Congress.

Mr. SPRINGER. Let me ask the gentleman whether it is fair to say that we would not consider that bill, when the fact is that twelve or fifteen men on this side voted with the other side of the House to strike out the enacting clause.

Mr. MCKINLEY. Exactly; and among those twelve or fifteen was as noble a man and as true a Democrat as ever sat on that side of the House, Samuel J. Randall, of Pennsylvania [applause], the real, true leader of the Democratic party. He led in that resistance to the consideration of a bill framed by your committee which he believed would, if enacted into law, destroy the great industries of the United States. [Applause on the Republican side.] Now, Mr. Speaker, I demand the previous question.

Mr. BUTTERWORTH. I desire to ask my colleague a question. If I understand the object of this resolution reported from the Committee on Rules, it is to provide that amendments may be directed to particular parts of the bill to which gentlemen may desire to address themselves.

Mr. MCKINLEY. I am glad my friend asked me that question. We propose to read this bill through from paragraph 111, where we stopped last night, to the end of the bill. Then we propose that every part of it shall be open to the most liberal amendment on the part of every member on the floor of this House, and if that is proceeded with in an orderly and business-like way the time assigned will be more than ample to consider and pass upon every substantial amendment.

Mr. BLOUNT. Until Wednesday.

Mr. BUTTERWORTH. Is it intended that those who desire to do so may submit amendments and have them considered?

Mr. MCKINLEY. It is intended that amendments may be submitted and voted upon at once—vital and substantial amendments—and they are to be open to debate.

Mr. BLOUNT. The gentleman from Ohio does not mean that fully. He does not mean that after 12 o'clock on Wednesday any amendment can be offered.

Mr. MCKINLEY. I do not mean that after 12 o'clock on Wednesday there shall be any amendments offered, except such as are justified and authorized under the rules of the House when we have come out of Committee of the Whole on the state of the Union.

Mr. McMILLIN. Nor any debate.

Mr. MCKINLEY. We propose to be governed when we come out of the Committee of the Whole by the rules of the House as they now exist.

Mr. BLOUNT. That means the previous question.

Mr. McMILLIN. I think we ought to be allowed a few minutes for a discussion of this rule.

Mr. TURNER, of Georgia. I would like to inquire of the gentleman from Ohio what will be the limitation of debate, after the adop-

tion of this resolution, on amendments in the Committee of the Whole. Will it be the hour limit or the five-minute rule?

Mr. MCKINLEY. I will say to the gentleman that the limitation of debate will depend altogether upon the way the other side of the House, in the treatment of this question, shall be willing to progress with the public business, and not consume time by dilatory tactics. So far as I am concerned, I want to say to the gentleman from Georgia in frankness that the very purpose of this rule is to give an opportunity for every member of this House to offer substantial amendments and speak upon those amendments.

Mr. TURNER, of Georgia. How long?

Mr. MCKINLEY. Subject to the rules of the House.

Mr. TURNER, of Georgia. How long?

Mr. MCKINLEY. We do not limit any time by this resolution.

Mr. TURNER, of Georgia. Does this resolution change the rule about the five-minute limit?

Mr. MCKINLEY. Undoubtedly the debate will be under the five-minute rule. But this does not undertake to limit the debate on amendments in the Committee of the Whole.

Mr. TURNER, of Georgia. But this resolution changes our entire system, you will observe.

Mr. MCKINLEY. It only provides that we shall go into Committee of the Whole, read the whole bill through—

Mr. TURNER, of Georgia. Now, I would inquire what is the propriety or object of this formal reading of the bill?

Mr. MCKINLEY. It is not a "formal reading;" it is a reading for the purpose of giving to every member of this House the contents of that bill from the beginning to the end, to enable him to offer amendments to any part thereof.

Mr. BRECKINRIDGE, of Kentucky. I would like to ask the gentleman a question as to the construction of this resolution, as I am not sure that I caught its reading correctly. Does the resolution make the debate in the Committee of the Whole on amendments which may be offered subject to the present rules of the committee—five minutes on a side—or does it change that?

Mr. MCKINLEY. It does not change the existing rules so far as the five-minute debate in Committee of the Whole is concerned.

Mr. BRECKINRIDGE, of Kentucky. It leaves the debate on such amendments as may be offered subject to the five-minute rule?

Mr. MCKINLEY. You will have the same right of debate as under the existing rules.

Mr. McMILLIN. I would like to ask the gentleman a question. Suppose when 12 o'clock next Wednesday comes—the time when this bill is to be reported to the House—there are still pending in the Committee of the Whole amendments to sections of this bill, which you say you intend to give members a chance to offer; what becomes of those amendments if they have not been acted upon by the Committee of the Whole?

Mr. MCKINLEY. The gentleman need not ask me that question.

Mr. McMILLIN. I want you to state.

Mr. MCKINLEY. I will state to the gentleman that any amendments pending at 12 o'clock on Wednesday which have not been voted upon fall.

Mr. McMILLIN. Exactly; and your object is to make them fall.

Mr. MCKINLEY. Not at all. We give you five full days to put in any amendments you please, and take the will and sense of the House upon them.

Mr. McMILLIN. But if they have not been acted on at 12 o'clock next Wednesday they will be as if they had never been presented, will they not?

Mr. MCKINLEY. Exactly.

Mr. McMILLIN. That is what I wanted to know.

Mr. MCKINLEY. The only thing to be reported back to the House is the bill and the amendments that may be recommended by the Committee of the Whole House.

Mr. BRECKINRIDGE, of Kentucky. I desire to ask another question as to the construction of this resolution. Amendments can be proposed to any part of the bill, as I understand?

Mr. MCKINLEY. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. Now, under the rules of the House only two amendments can be pending at the same time, so that one amendment to one part of the bill and another amendment to another part of the bill would conclude the right of members to offer amendments until a vote was had on those amendments. Now, how under this rule can the committee be forced to come to a vote?

Mr. MCKINLEY. Exactly the same privilege of offering a substitute and amendments in the first and second degree would be allowed under this rule that is now allowed under the existing rules.

Mr. BRECKINRIDGE, of Kentucky. Now, if I am right—and if not I hope the gentleman will correct me—under this proposed rule it will be in the power of a majority of the committee to have two amendments offered and continue pending, and then no other amendment would ever be in order, so that 12 o'clock on Wednesday might be reached without any amendments to the bill having been offered except two.

Mr. WHEELER, of Alabama. I wish to ask the gentleman from

Ohio whether he will not permit one hour's debate on the cotton-tie question. The gentleman will recollect that in the Forty-seventh Congress this question was very fully discussed.

Mr. MCKINLEY. If we had time I would be glad to give the gentleman two hours on the cotton-tie question.

Mr. BRECKINRIDGE, of Kentucky. I move that this resolution be laid on the table. Under clause 4 of Rule XVI the motion to lay on the table has precedence of the previous question.

The SPEAKER. The question is on the motion of the gentleman from Kentucky to lay the resolution on the table. [The question having been put.] The yeas seem to have it.

Mr. McMILLIN, Mr. SPRINGER, and others demanded a division.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 148, not voting 69; as follows:

YEAS—110.

Abbott,	Culberson, Tex.	Lanham,	Richardson,
Allen, Mich.	Cummings,	Lee,	Rogers,
Anderson, Miss.	Dargan,	Lester, Ga.	Rowland,
Andrew,	Davidson,	Lester, Va.	Rusk,
Barnes,	Dibble,	Lewis,	Sayers,
Barwig,	Dockery,	Maish,	Shively,
Biggs,	Dunphy,	Martin, Ind.	Skinner,
Bland,	Edmunds,	McAdoo,	Stewart, Ga.
Blount,	Elliott,	McClammy,	Stewart, Tex.
Breckinridge, Ark.	Ellis,	McClellan,	Stump,
Breckinridge, Ky.	Fitch,	McMillin,	Tarsney,
Brookshire,	Fithian,	McRae,	Tillman,
Brunner,	Flower,	Mills,	Tracey,
Buchanan, Va.	Forman,	Montgomery,	Tucker,
Bunn,	Forney,	Moore, Tex.	Turner, Ga.
Bynum,	Fowler,	Morgan,	Turner, N. Y.
Campbell,	Geissenhainer,	Mutchler,	Turpin,
Candler, Ga.	Gibson,	O'Ferrall,	Venable,
Caruth,	Goodnight,	O'Neil, Mass.	Wheeler, Ala.
Chipman,	Grimes,	Outhwaite,	Whiting,
Clarke, Ala.	Hare,	Owens, Ohio	Wike,
Clements,	Hatch,	Parrett,	Wilkinson,
Clunie,	Hayes,	Peel,	Wilson, Mo.
Cobb,	Haynes,	Pennington,	Wilson, W. Va.
Cothran,	Henderson, N. C.	Perry,	
Covert,	Herbert,	Pierce,	
Cowles,	Holman,	Quinn,	
Crain,	Kilgore,	Reilly,	

NAYS—148.

Adams,	Craig,	Laidlaw,	Rowell,
Allen, Miss.	Culbertson, Pa.	Lausing,	Russell,
Anderson, Kans.	Cutcheon,	Laws,	Sanford,
Arnold,	Dalzell,	Lehlbach,	Sawyer,
Atkinson, Pa.	Darlington,	Lind,	Scranton,
Atkinson, W. Va.	De Haven,	Lodge,	Scull,
Baker,	Dingley,	Mason,	Sherman,
Banks,	Dolliver,	McComas,	Simonds,
Bartine,	Dorsey,	McCord,	Smith, Ill.
Bayne,	Dunnell,	McKenna,	Smith, W. Va.
Beckwith,	Evans,	Milliken,	Smyser,
Belden,	Ewart,	Miles,	Snider,
Belknap,	Finley,	Moffitt,	Spooner,
Bergen,	Flood,	Moore, N. H.	Stephenson,
Bingham,	Funston,	Morey,	Stewart, Vt.
Bliss,	Gear,	Morrill,	Stivers,
Boutelle,	Gest,	Morrow,	Stockbridge,
Bowden,	Greenhalge,	Mudd,	Struble,
Brewer,	Grosvenor,	Moore, N. H.	Taylor, E. B.
Brosius,	Hall,	Morey,	Taylor, Ill.
Browne, Va.	Hansbrough,	Morrow,	Taylor, Tenn.
Buchanan, N. J.	Harmer,	Niedringhaus,	Thomas,
Burrows,	Haugen,	Nute,	Townsend, Colo.
Burton,	Henderson, Ill.	O'Neil, Pa.	Townsend, Pa.
Butterworth,	Henderson, Iowa	Osborne,	Vandever,
Caldwell,	Hermann,	Owen, Ind.	Van Schaick,
Candler, Mass.	Hill,	Payne,	Waddill,
Cannon,	Hitt,	Perkins,	Wade,
Carter,	Hopkins,	Pickler,	Walker, Mass.
Caswell,	Kelley,	Quackenbush,	Wallace, Mass.
Cheadle,	Kennedy,	Raines,	Wallace, N. Y.
Clark, Wis.	Kerr, Iowa	Randall,	Wheeler, Mich.
Cogswell,	Ketcham,	Ray,	Wickham,
Coleman,	Kinsey,	Reed, Iowa	Williams, Ohio
Comstock,	Knapp,	Reyburn,	Wilson, Wash.
Conger,	Lacey,	Rife,	Wright,
Cooper, Ohio	La Follette,	Rockwell,	Yardley.

NOT VOTING—69.

Alderson,	Crisp,	Martin, Tex.	Stahlnecker,
Bankhead,	De Lano,	McCarthy,	Stone, Ky.
Blanchard,	Enloe,	McCormick,	Stone, Mo.
Boatner,	Farquhar,	McCreary,	Sweeney,
Boothman,	Featherston,	Norton,	Taylor, J. D.
Brickner,	Flick,	Oates,	Thompson,
Brower,	Frank,	O'Donnell,	Turner, Kans.
Brown, J. B.	Gifford,	O'Neill, Ind.	Walker, Mo.
Browne, T. M.	Grout,	Paynter,	Washington,
Buckalew,	Head,	Watson,	Whitthorne,
Bullock,	Hemphill,	Peters,	Wiley,
Carlisle,	Hooker,	Phelan,	Williams, Ill.
Carlton,	Houk,	Price,	Wilson, Ky.
Catchings,	Kerr, Pa.	Pugsley,	Yoder.
Cheatham,	Lane,	Robertson,	
Clancy,	Lawler,	Seney,	
CConnell,	Magner,	Spinola,	
Cooper, Ind.	Mansur,	Springer,	

So the motion was rejected.

The following additional pairs were announced:

Mr. J. D. TAYLOR with Mr. CRISP, for the rest of the day.

Mr. PAYSON with Mr. SPINOLA, for the rest of the day.

Mr. SPRINGER. I was temporarily absent from the Hall when my name was called; but if present I should have voted in the affirmative.

The result of the vote was then announced as above recorded.

The question recurred on ordering the previous question.

The House divided; and there were—yeas 111, noes 74.

Mr. McMILLIN. I demand the yeas and nays.

Mr. MCKINLEY. This is only on ordering the previous question.

Mr. McMILLIN. I know; but it cuts off debate, and that is just what we object to.

Mr. GROSVENOR. There is just so much time between now and the final vote on the bill, and you can use it up as you please.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 105, not voting 88; as follows:

YEAS—134.

Adams,	Cutcheon,	Lehlbach,	Sanford,
Allen, Mich.	Dalzell,	Lind,	Sawyer,
Anderson, Kans.	Darlington,	Lodge,	Scranton,
Arnold,	De Haven,	Mason,	Scull,
Atkinson, Pa.	Dingley,	McCord,	Sherman,
Atkinson, W. Va.	Dolliver,	McKenna,	Simonds,
Baker,	Dorsey,	McKinley,	Smith, Ill.
Banks,	Dunnell,	Miles,	Smith, W. Va.
Bayne,	Edmunds,	Milliken,	Smyser,
Beckwith,	Evans,	Moffitt,	Snider,
Belden,	Finley,	Moore, N. H.	Spooner,
Belknap,	Flick,	Morey,	Stephenson,
Bergen,	Flood,	Morrill,	Stivers,
Bingham,	Funston,	Morrow,	Stockbridge,
Brewer,	Gear,	Morse,	Struble,
Brosius,	Gest,	Grosvenor,	Taylor, E. B.
Brower,	Grosvenor,	Hall,	Taylor, Ill.
Buchanan, N. J.	Hansbrough,	Niedringhaus,	Thomas,
Burrows,	Haugen,	O'Neill, Pa.	Townsend, Colo.
Burton,	Henderson, Ill.	Osborne,	Vandever,
Caldwell,	Henderson, Iowa	Owen, Ind.	Vandever,
Candler, Mass.	Hill,	Payne,	Van Schaick,
Cannon,	Hitt,	Perkins,	Waddill,
Carter,	Hopkins,	Pickler,	Wade,
Caswell,	Kelley,	Post,	Walker, Mass.
Cheadle,	Kennedy,	Quackenbush,	Wallace, Mass.
Clark, Wis.	Kerr, Iowa	Raines,	Wallace, N. Y.
Cogswell,	Ketcham,	Randall,	Wheeler, Mich.
Coleman,	Kinsey,	Ray,	Wickham,
Comstock,	Knapp,	Reed, Iowa	Williams, Ohio
Conger,	Lacey,	Reyburn,	Wilson, Wash.
Cooper, Ohio	La Follette,	Rockwell,	Wright,
	Laws,	Russell,	Yardley.

NAYS—105.

Abbott,	Cowles,	Lanham,	Robertson,
Anderson, Miss.	Crain,	Lee,	Rogers,
Barwig,	Culberson, Tex.	Lester, Ga.	Rowland,
Biggs,	Cummings,	Lester, Va.	Sayers,
Bland,	Dargan,	Maish,	Shively,
Blount,	Dibble,	Martin, Ind.	Skinner,
Boatner,	Dockery,	McAdoo,	Springer,
Breckinridge, Ark.	Dunphy,	McClammy,	Stewart, Ga.
Brunner,	Elliott,	McClellan,	Stewart, Tex.
Buchanan, Va.	Ellis,	McMillin,	Stump,
Bullock,	Fithian,	McRae,	Tarsney,
Bunn,	Flower,	Mills,	Tillman,
Bynum,	Forman,	Montgomery,	Tracey,
Campbell,	Forney,	Moore, Tex.	Tucker,
Candler, Ga.	Fowler,	Morgan,	Turner, Ga.
Carlton,	Geissenhainer,	Mutchler,	Turpin,
Caruth,	Gibson,	O'Ferrall,	Venable,
Chipman,	Goodnight,	O'Neil, Mass.	Wheeler, Ala.
Clancy,	Grimes,	Owens, Ohio	Whiting,
Clarke, Ala.	Hare,	Parrett,	Wilkinson,
Clements,	Hatch,	Paynter,	Wilcox,
Clunie,	Hayes,	Pennington,	Wilson, Mo.
Cobb,	Haynes,	Perry,	Wilson, W. Va.
Cooper, Ind.	Henderson, N. C.	Pierce,	
Cothran,	Herbert,	Quinn,	
Covert,	Holman,	Reilly,	
	Kilgore,	Richardson,	

NOT VOTING—88.

Alderson,	Crisp,	Lawler,	Seney,
Allen, Miss.	Davidson,	Lewis,	Spinola,
Andrew,	De Lano,	Magner,	Stahlnecker,
Bankhead,	Edmunds,	Mansur,	Stewart, Vt.
Barnes,	Enloe,	Martin, Tex.	Stockdale,
Bartine,	Ewart,	McCarthy,	Stone, Ky.
Blanchard,	Farquhar,	McComas,	Stone, Mo.
Bliss,	Featherston,	McCormick,	Sweeney,
Boothman,	Fitch,	McCreary,	Taylor, J. D.
Boutelle,	Frank,	Norton,	Taylor, Tenn.
Bowden,	Gifford,	Oates,	Thompson,
Breckinridge, Ky.	Greenhalge,	O'Donnell,	Townsend, Pa.
Brookshire,	Grout,	O'Neill, Ind.	Turner, Kans.
Brown, J. B.	Harmer,	Outhwaite,	Turner, N. Y.
Browne, T. M.	Head,	Payson,	Walker, Mo.
Buckalew,	Hemphill,	Peel,	Washington,
Bullock,	Hermann,	Peters,	Watson,
Carlisle,	Hooker,	Phelan,	Whitthorne,
Catchings,	Houk,	Price,	Wiley,
Cheatham,	Kerr, Pa.	Pugsley,	Williams, Ill.
Cheatham,	Lane,	Rife,	Wilson, Ky.
CConnell,	Lansing,	Rusk,	Yoder.

So the previous question was ordered.

The following additional pairs were announced until further notice:

Mr. BROWNE, of Virginia, with Mr. EDMUNDS.

Mr. STOCKDALE with Mr. BUTTERWORTH.

Mr. GREENHALGE with Mr. ANDREW.  
Mr. LANSING with Mr. ALLEN, of Mississippi, for the rest of this day.  
Mr. HERMANN. Mr. Speaker, I desire to have my name recorded.  
The SPEAKER. Was the gentleman in his seat listening for his name when it should have been called?  
Mr. HERMANN. I was not in my seat, but inside of the Hall, and did not hear my name called.

The SPEAKER. The Chair thinks the gentleman has not brought himself within the rule.

The result of the vote was then announced as above recorded.

The question recurred on the adoption of the resolution reported from the Committee on Rules.

The question was taken; and on a division there were—ayes 96, noes 71.

Mr. McMILLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 95, not voting 103; as follows:

## YEAS—129.

Adams,	Comstock,	Kinsey,	Rowell,
Allen, Mich.	Conger,	Knapp,	Sanford,
Anderson, Kans.	Cooper, Ohio	Lacey,	Sawyer,
Arnold,	Craig,	Laws,	Scranton,
Atkinson, Pa.	Culbertson, Pa.	Lehlbach,	Scull,
Atkinson, W. Va.	Dalzell,	Lind,	Sherman,
Baker,	De Haven,	McComas,	Smith, Ill.
Banks,	Dingley,	McCord,	Smith, W. Va.
Bartine,	Dolliver,	McKenna,	Smyser,
Bayne,	Dunnell,	McKinley,	Snider,
Beckwith,	Evans,	Miles,	Spooner,
Belden,	Ewart,	Moffitt,	Stephenson,
Belknap,	Finley,	Moore, N. H.	Stivers,
Bergen,	Flick,	Morey,	Stockbridge,
Bingham,	Flood,	Morrill,	Taylor, E. B.
Bliss,	Funston,	Morrow,	Taylor, Ill.
Boutelle,	Gear,	Morse,	Taylor, Tenn.
Bowden,	Gest,	Mudd,	Thomas,
Brewer,	Grosvenor,	Niedringhaus,	Townsend, Colo.
Brosius,	Hall,	O'Neill, Pa.	Vandever,
Brower,	Hansbrough,	Osborne,	Waddill,
Buchanan, N. J.	Harmer,	Payne,	Wade,
Burrows,	Haugen,	Perkins,	Walker, Mass.
Burton,	Henderson, Ill.	Pickler,	Wallace, Mass.
Caldwell,	Henderson, Iowa	Post,	Wallace, N. Y.
Candler, Mass.	Hermann,	Quackenbush,	Wheeler, Mich.
Cannon,	Hill,	Raines,	Wickham,
Carter,	Hitt,	Randall,	Wilkins, Ohio
Caswell,	Hopkins,	Ray,	Wright,
Cheadle,	Kelley,	Reed, Iowa	Yardley.
Clark, Wis.	Kennedy,	Reyburn,	
Cogswell,	Kerr, Iowa	Rife,	
Coleman,	Ketcham,	Rockwell,	

## NAYS—95.

Abbott,	Covert,	Holman,	Pennington,
Anderson, Miss.	Crain,	Lanham,	Perry,
Barnes,	Culbertson, Tex.	Lee,	Pierce,
Barwig,	Cummings,	Lester, Ga.	Quinn,
Biggs,	Dargan,	Lester, Va.	Reilly,
Bland,	Davidson,	Lewis,	Richardson,
Blount,	Dibble,	Maish,	Rogers,
Boatner,	Dockery,	Martin, Ind.	Rusk,
Breckinridge, Ark.	Dunphy,	McAdoo,	Sayers,
Breckinridge, Ky.	Elliott,	McClammy,	Shively,
Brickner,	Ellis,	McClellan,	Skinner,
Brookshire,	Fitch,	McMillan,	Stewart, Ga.
Bullock,	Flower,	McRae,	Stewart, Tex.
Campbell,	Forman,	Mills,	Stump,
Carlton,	Forney,	Montgomery,	Tillman,
Caruth,	Fowler,	Moore, Tex.	Tracey,
Chipman,	Geissenhainer,	Morgan,	Turner, Ga.
Clancy,	Gibson,	O'Ferrall,	Turpin,
Clarke, Ala.	Goodnight,	O'Neil, Mass.	Wheeler, Ala.
Clements,	Hare,	Outhwaite,	Wilkinson,
Clinie,	Hatch,	Owens, Ohio	Willcox,
Cobby,	Haynes,	Parrett,	Williams, Ill.
Cooper, Ind.	Henderson, N. C.	Paynter,	Wilson, Mo.
Cothran,	Herbert,	Peel,	

## NOT VOTING—103.

Alderson,	Edmunds,	Mason,	Stockdale,
Allen, Miss.	Enloe,	McCarthy,	Stone, Ky.
Andrew,	Farquhar,	McCormick,	Stone, Mo.
Bankhead,	Featherston,	McCreary,	Struble,
Blanchard,	Fithian,	Milliken,	Sweney,
Boothman,	Frank,	Mitchler,	Tarsney,
Brown, J. B.	Gifford,	Norton,	Taylor, J. D.
Browne, T. M.	Nute,	Nute,	Thompson,
Browne, Va.	Oates,	Oates,	Townsend, Pa.
Brunner,	O'Donnell,	O'Donnell,	Tucker,
Buchanan, Va.	O'Neil, Ind.	O'Neil, Ind.	Turner, Kans.
Buckalew,	Owens, Ind.	Payson,	Turner, N. Y.
Bunn,	Hemphill,	Peters,	Van Schaick,
Butterworth,	Hooker,	Phelan,	Venable,
Bynum,	Houk,	Price,	Walker, Mo.
Candler, Ga.	Kilgore,	Pugsley,	Washington,
Carlisle,	La Follette,	Robertson,	Watson,
Catchings,	Laddlaw,	Rowland,	Whiting,
Cheatham,	Lane,	Russell,	Whitthorne,
CConnell,	Lansing,	Seney,	Wilke,
Cowles,	Lawler,	Simonds,	Wiley,
Crisp,	Lodge,	Spinola,	Wilson, Ky.
Cutcheon,	Magner,	Springer,	Wilson, Wash.
Darlington,	Mansur,	Stahnecker,	Wilson, W. Va.
De Lano,	Martin, Tex.	Stewart, Vt.	Yoder.
Dorsey,			

So the resolution was passed.

The following additional pairs were announced:

For the rest of this day:

Mr. TOWNSEND, of Pennsylvania, with Mr. CATCHINGS.

Mr. NUTE with Mr. KILGORE.

On this vote:

Mr. STEWART, of Vermont, with Mr. FITHIAN.

Mr. DARLINGTON with Mr. LAWLER.

Mr. LODGE with Mr. MCCARTHY.

Mr. DORSEY with Mr. SPRINGER.

## COMMITTEES OF CONFERENCE.

The SPEAKER. Before announcing the vote the Chair will report the following appointments on committees of conference:

On the bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor and providing for pensions to widows and minor children and dependent children, Mr. MORELL, Mr. SAWYER, and Mr. YODER.

On the bill (S. 977) for the erection of a public building at New London, Conn., Mr. MILLIKEN, Mr. LEHLBACH, and Mr. LEWIS.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOOKER, indefinitely, on account of important business.

To Mr. PETERS, indefinitely, on account of sickness.

To Mr. ENLOE, for this day, on account of sickness.

The result of the vote was then announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 380) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889;

A bill (H. R. 753) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa.;

A bill (H. R. 5729) to authorize the construction of a bridge across the Oconee River, in the State of Georgia; and

A bill (H. R. 7993) to amend section 4 of "An act to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State," approved June 18, 1888.

The message also announced that the Senate had passed, with an amendment in which concurrence was requested, the bill (H. R. 6034) for the relief of Mary Alice White Ogden.

The message further announced that the Senate had passed with amendments the bill (H. R. 749) for the erection of a public building at York, Pa., asked a conference with the House on the bill and amendments, and had appointed Mr. QUAY, Mr. SPOONER, and Mr. PASCO as conferees on the part of the Senate.

The message further announced that the Senate had passed bills and a joint resolution of the following titles; in which concurrence of the House was requested:

A bill (S. 152) for the relief of Samuel Tate;

A bill (S. 170) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin as United States district judge for the district of Nevada;

A bill (S. 471) for the relief of the Norfolk County Ferry Committee;

A bill (S. 557) for the relief of H. J. Cheney;

A bill (S. 671) for the relief of Daniel B. Washburn;

A bill (S. 1193) for the relief of the heir or heirs of John Howard Payne;

A bill (S. 1506) granting relief to Samuel D. Harper;

A bill (S. 1666) for the relief of the legal representatives of John H. Jones and Thomas D. Harris;

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

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

A bill (S. 2700) for the relief of the legal representatives of Albert Blaisdell, deceased;

A bill (S. 3261) for the relief of Maj. G. C. Goodloe, paymaster of the United States Marine Corps;

A bill (S. 3282) to provide for the purchase of a site and the erection of a public building thereon at Rock Island, in the State of Illinois;

A bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal, railroad, and warehouse purposes;

A bill (S. 3418) in relation to the pay of Rear-Admiral James E. Jonett, retired;

A bill (S. 3479) to provide for the issuing and recording of commissions in the Department of the Treasury;

A bill (S. 3521) authorizing the registration of census mail matter; and

Joint resolution (S. R. 82) concerning the publication of the United States map for the use of Congress.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1221) granting a pension to Helen Plunkett.

QUESTION OF PRIVILEGE.

Mr. KERR, of Iowa. Mr. Speaker, I rise to a question of privilege. On page 4851 of the RECORD, the gentleman from Tennessee [Mr. WASHINGTON] yesterday, after indulging in some criticism of my action, said that I was on "the other side." Right there I said "Because it is the right side." Afterwards, in the evening, he put this in the RECORD—

Mr. RICHARDSON. I would call the attention of the gentleman from Iowa to the fact that my colleague [Mr. WASHINGTON] is not in his seat.

Mr. KERR, of Iowa. All I wish to correct is that afterwards he added:

In furtherance of all their high-tariff and high-tax schemes.

That was not said on the floor, but was interpolated in the remarks afterwards. It puts me in the attitude of indorsing something that I did not indorse.

ADDITIONAL REPORTER OF DEBATES.

Mr. SPOONER. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Speaker be, and he hereby is, authorized to appoint an additional Official Reporter of the House, to continue in office until otherwise ordered by the House or the Speaker, during the present Congress, with a salary at the rate of \$5,000 per annum, to be paid out of the contingent fund of the House until other provision shall be made for the payment of the same.

The SPEAKER. The question is on the adoption of the resolution.

Mr. HOLMAN. I hope there will be some explanation made as to the necessity for this action.

Mr. SPOONER. The necessity for the adoption of the resolution is caused by the sickness of Mr. McElhone, the chief of the Official Corps of Reporters, who has been incapacitated by illness from performing his duties, and the business of the House is such as to require more force than is left during the absence of Mr. McElhone. The appointment is in the nature of a temporary one, somewhat dependent upon the question of Mr. McElhone's future condition, and that is impossible to foresee at this time. Therefore the resolution proposes to leave to the Speaker and the House the opportunity to say in the future when the Reporter under this resolution shall be dispensed with. I ask for the passage of the resolution.

The resolution was adopted.

Mr. SPOONER 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.

TARIFF BILL.

The SPEAKER. Under the resolution adopted just now, the House determines to resolve itself into Committee of the Whole House on the state of the Union for the consideration, under the resolution, of the bill H. R. 9416.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. GROSVENOR in the chair.

Mr. McMILLIN. Before going on with the consideration of the bill under the new rule, I ask unanimous consent that the rule be reported, in order that we may have its provisions before us.

The resolution was read by the Clerk.

Mr. McMILLIN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McMILLIN. I wish to know, as the rule seems to be a little indefinite on that point, whether under this rule an amendment will be in order on any part of the bill at any time, or whether it will have to be considered by sections, and amendments shall be in order only to the section when reached?

Mr. HOLMAN. I think it will be found, Mr. Chairman, that under the resolution the whole of the remainder of the bill has to be first read.

Mr. MCKINLEY. Mr. Chairman, I desire to say, as a member of the Committee on Rules reporting the rule, that our interpretation of the rule is this: That the bill must be read now, beginning at paragraph 111, to its conclusion.

Mr. McMILLIN. I understand.

Mr. MCKINLEY. And then, at the close of the reading, any gentleman can offer an amendment to any paragraph of the bill from paragraph 111 to the conclusion, anywhere, and at any time that he may be recognized.

Mr. TUCKER. Up to next Wednesday?

Mr. MCKINLEY. Up to next Wednesday.

Mr. BRECKINRIDGE, of Kentucky. Is the gentleman's construction correct as to the last part? I tried to catch the reading.

The CHAIRMAN. The understanding of the Chair conforms to the statement of the gentleman from Ohio [Mr. MCKINLEY], that in the first place the bill will be read through without interruption.

Mr. BRECKINRIDGE, of Kentucky. Now, if the Chair will read the second part, as to amendments.

The CHAIRMAN. Then the resolution reads:

That said bill shall be read through, commencing with paragraph 111, and shall then from day to day be open to amendment upon any part thereof following paragraph 110.

In other words, the whole bill after paragraph 110 is open for amendment at any time after the reading of the bill. The Clerk will read.

The Clerk proceeded to read the bill, beginning with paragraph 111.

During the reading the following proceedings took place:

Mr. HATCH. Mr. Chairman, I rise to a point of order. There is no quorum present, and I make the point that the reading of this important bill can not proceed further in the absence of a quorum.

The CHAIRMAN. Does the gentleman make the point that there is not present a quorum of the Committee of the Whole?

Mr. HATCH. I do.

The CHAIRMAN (after counting). There are 107 members present.

Mr. HATCH. I hope the Chair will admonish the members on the other side of the House to remain in their seats during the reading of the bill. [Laughter.]

The CHAIRMAN. The Chair will.

MESSAGE FROM THE SENATE.

The committee rose informally; when a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had adopted the following:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1618) for the relief of Margaret Kennedy.

The message also announced that the Senate insisted upon its amendment to the bill (H. R. 4863) granting a pension to John Carter, agreed to the conference requested by the House, and had appointed as conferees on the part of the Senate Mr. PADDOCK, Mr. SAWYER, and Mr. FAULKNER.

Mr. MCKINLEY. The hour at which the House takes a recess, 5 o'clock, has arrived; but as there is very little of the bill remaining to be read, I ask unanimous consent that the reading be completed, and then I shall immediately move that the committee rise.

Mr. SPRINGER. Ask unanimous consent that it be considered as read.

Mr. McMILLIN. So far as I am concerned I have no objection to that, but the committee can not change the order of the House.

Mr. HOLMAN. The reading had better be completed. It will not take long.

Mr. MCKINLEY. I ask unanimous consent that the reading of the bill be completed.

The CHAIRMAN. It will take about five minutes.

There was no objection, and it was so ordered.

The Clerk resumed and completed the reading of the bill.

Mr. MCKINLEY. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9416) to reduce the revenue and equalize duties on imports and had come to no resolution thereon.

Mr. MCKINLEY. I move that the House now take a recess until 8 o'clock this evening; the evening session to be for the consideration of private business.

Mr. SPRINGER. No motion is necessary. The House has already made an order to that effect.

The SPEAKER. Unanimous consent having been given to extend the day session beyond 5 o'clock, the Chair thinks the motion may as well be put.

The motion of Mr. MCKINLEY was agreed to.

The SPEAKER announced that Mr. PERKINS would preside as Speaker *pro tempore* at the evening session.

The House then (at 5 o'clock and 10 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock, p. m., Mr. PERKINS in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order for Friday evening.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole under the special order for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion.

WILLIAM H. CHAPMAN.

The first business on the Private Calendar was the bill (H. R. 7577) granting a pension to William H. Chapman.

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 William H. Chapman, a soldier of the Indian war of 1837 and 1838, and pay him a pension at the rate of \$20 per month from and after the passage of this act.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7577) granting a pension to William H. Chapman, have considered the same and report:

The claimant was a sergeant in Captain Cariton's (subsequently Black's) company of Georgia militia, Florida Indian war, and served from February 18, 1836, to May 15, 1836. He declares that by reason of exposure in said service he contracted rheumatism, and he filed an application for pension on account of said disability, but owing to the length of time that had elapsed since said service he was unable to secure sufficient evidence to meet the requirements of the Pension Bureau, and the claim was rejected July 27, 1889.

John G. Christian testifies that he served with the claimant in the Florida war, and knows that he contracted rheumatism while in said service.

Other witnesses swear that they have been acquainted with the claimant from thirty to fifty years, and know that he has been complaining of rheumatism during that time.

The claimant is eighty years old, badly disabled by rheumatism, and poor. His excellent character is shown by the testimony of prominent people who have known him for years.

There are many precedents for the allowance of pensions to the aged and dependent survivors of the old Indian wars, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

JOEL HAGLER.

The next business on the Private Calendar was the bill (H. R. 7952) to increase the pension of Joel Hogler, of Henry County, Tennessee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place the name of Joel Hogler, of Henry County, Tennessee, on the pension-rolls at the rate of \$50 per month, in lieu of the pension now received by him.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7952) granting an increase of pension to Joel Hagler, have considered the same, and report:

The claimant served in Capt. James Gray's Company, Tennessee Militia, war of 1812, from November 13, 1814, to May 18, 1815. He is now a pensioner under the war of 1812 service-pension act of February 14, 1871, at \$8 per month.

The claimant petitions Congress to increase his pension to \$50 per month, declaring that he is nearly ninety-five years old, almost deaf, partially blind, and consequently wholly unable to earn a living by labor. He has no income whatever except his pension of \$8 per month, which is insufficient to support him in comfort.

Hon. J. D. C. Atkins, ex-Governor J. D. Porter, and other prominent citizens of Tennessee, certify that they have read the foregoing statement of the claimant and believe it to be true in every particular. They have known the claimant for over fifty years, and commend him as a worthy and honorable citizen.

George W. Upchurch and J. L. Hicks, men of good standing for respectability and credibility, swear that the claimant is very old, infirm, nearly blind, and deaf, and wholly unable to earn a living.

In view of the facts above stated, your committee recommend the passage of the bill, amended, however, as follows: By striking out the word "fifty," in the fifth line, and substituting in lieu thereof the word "thirty."

The bill should be further amended so as to show the claimant's surname to be Hagler instead of Hogler.

The amendments recommended by the committee in the concluding paragraph of the report were read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHANNA SHELD.

The next business on the Private Calendar was the bill (H. R. 7514) granting a pension to Johanna Sheld.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Johanna Sheld, widow of John Sheld, late a sergeant in Company G, First United States Infantry, and to allow her a pension at \$12 per month from the date of the passage of this act.

The report (by Mr. BARWIG) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7514) granting a pension to Johanna Sheld, have considered the same, and beg leave to submit the following report:

The claimant's late husband, John Sheld, enlisted July 12, 1848, in Company G, First United States Infantry, and was discharged July 11, 1853, by reason of expiration of term of service.

Again enlisted June 1, 1855, in the same organization, and was discharged April 1, 1860, by re-enlistment at Fort Chadbourne, Texas, as first sergeant. He re-enlisted in the same organization April 1, 1860, and was appointed quartermaster-sergeant. He was discharged at West Point N. Y., October 17, 1861, upon his own application, he being at the time a paroled prisoner and unable to do duty in the field.

The prisoner-of-war records show him paroled at Saluria, Tex., April 26, 1861, but the date of capture is not given. The soldier subsequently rendered service as a teamster in the Quartermaster's Department during the war of the rebellion.

The claimant made application to the Pension Bureau for a pension, declaring that her said husband died December 19, 1867, of disease contracted in the service and line of duty. The evidence presented in support of her application contains a history of disease contracted by the soldier during the term of his second enlistment, beginning in 1855, which disease developed into bronchitis and lung disease, from which he died December 19, 1867, as noted above.

The claim was rejected by the Pension Bureau, however, upon the ground that there is no law giving title to pension, the disease from which soldier died having been contracted prior to March 4, 1861, and not while engaged in any recognized war.

The claimant still remains the soldier's widow, and it appears from the papers that by reason of curvature of the spine she is unable to work to maintain herself.

Your committee are of the opinion that the case is one of merit, and they therefore report the bill back recommending its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH DABNEY.

The next business on the Private Calendar was the bill (H. R. 5777) for increasing the pension of Sarah Dabney, a Revolutionary pensioner.

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 Sarah Dabney, widow of John Q. Dabney, a private soldier of the Revolutionary war, from \$12 per month to \$30 per month during her natural life, the same to commence from the taking effect of this act, by approval or otherwise.

The report (by Mr. PARRETT) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5777) granting an increase of pension to Sarah Dabney, have considered the same and report:

The beneficiary under the bill is now a pensioner under the general law at \$12 per month on account of the Revolutionary war service of her late husband, John Q. Dabney.

She prays that her pension be increased to \$30 per month because her present pension is too small to afford her a comfortable support and other pensioners of the small class to which she belongs have been granted the increase.

Henry Digby, a citizen of Barry, Pike County, Illinois, testifies to a long acquaintance with the claimant, and that she is past ninety years old, with no property or income of any kind except her pension; also, that as she needs constant care and nursing her present pension is wholly inadequate to her needs, and she has no friends or relatives able to assist her.

The testimony of Mr. Digby is fully corroborated by the sworn statements of William Bright and James Smith.

Your committee are of the opinion that the relief prayed for should be granted, and the passage of the bill is therefore recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BYRON R. M'INTYRE.

The next business on the Private Calendar was the bill (H. R. 6905) granting a pension to Byron R. McIntyre.

Mr. LAWS. I am directed by the Committee on Invalid Pensions to request that this bill be recommitted.

The CHAIRMAN. In the absence of objection, that order will be made.

There was no objection.

JAMES O'DONNELL.

The next business on the Private Calendar was the bill (H. R. 7586) granting a pension to James O'Donnell.

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 O'Donnell, late of Company E, Twenty-first Regiment of Maine Infantry.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7586) granting a pension to James O'Donnell, submit the following report:

Claimant enlisted as a private, Company E, Twenty-first Maine Infantry, September 10, 1862, and was discharged August 25, 1863. Filed claim for pension June 30, 1880, alleging disease of heart contracted at East New York, June 8, 1863. Claim was rejected for the reason that there is no record of disease of the heart or any disability likely to cause it. No satisfactory testimony has been filed to establish the claim, and petitioner testifies that he can not furnish more satisfactory testimony. He was in hospital at Baton Rouge about thirty days, of fever.

Examining surgeon's certificate in 1865 says, "Treated him for heart disease." Dr. Belknope, of Whitewater, Wis., says claimant came near dying in his office in June, 1879. Testimony of acquaintances is to the effect that claimant has been unable to do full manual labor since 1865; August 20, 1881, examining surgeon rates at total disability, and entitled to \$8 per month for heart disease. Examining Surgeon Mitchell, Dakota, says claimant is completely broken down; acquaintances testify to prior good health, and comrades testify that claimant was very sick at Baton Rouge, La., and it is clear that he is now unable to do manual labor. It is in evidence that he is of good character. Your committee are of opinion that the case is deserving, and that the bill ought to pass, and so report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. PADGETT.

The next business on the Private Calendar was the bill (S. 218) granting a pension to George W. Padgett.

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 George W. Padgett, late a private in Company B, Fifteenth Regiment of Illinois Cavalry, on the pension-roll, subject to the limitations of the pension laws and pay him a pension of \$12 per month.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 218) granting a pension to George W. Padgett, adopt the report of Senate Committee on Pensions, as follows:

"Claimant enlisted in Company H, First Illinois Volunteer Cavalry, July 8, 1861, and was mustered out with company August 25, 1864. War Records show him

captured near Corinth January 13, 1863, and paroled January 15, 1863, and reported at Benton Barracks, Mo., January 25, 1863. The records of the War Department further show that he was sick in quarters August, 1861.

"The claim was rejected February 8, 1886, on the ground that there is no record of the alleged rheumatism, and no evidence whatever to show the existence of the same in the service, or after discharge, until 1874; and claimant expresses his inability to furnish such evidence.

"In his application, filed March 23, 1884, claimant states that he has been severely afflicted with inflammatory rheumatism since 1874, and that the said rheumatism was contracted in the service, from exposure incident to army life.

"In affidavit, filed May 29, 1884, claimant states that he was a stout and rugged boy when he enlisted into the service, and that his disability was brought on by army life.

"In affidavit filed January 16, 1886, claimant states that he is unable to furnish any further proof as to the origin of his disability while in the service.

"In a letter dated March 25, 1884, claimant states that his regiment had a great deal of hard service in Missouri; that they were often without dry blankets; that he was not in the hospital while sick, but was relieved from duty for two or three weeks; that he is now wholly disabled for labor, and has a wife, one boy, and three little girls dependent upon him; that he was among the first to answer his country's call for soldiers, and now, in his affliction, he appeals to the Government for help.

"In affidavit, filed March 19, 1884, William T. Sloan, of Nebraska City, Nebr., testifies that he is a county commissioner; that he has been acquainted with claimant for many years, and knows he has been during all that time afflicted with inflammatory rheumatism so that he has been able to do but little work.

"In affidavit filed March 19, 1884, William E. Hill, of Nebraska City, Nebr., testifies that he has been acquainted with claimant during the past sixteen years; that claimant was employed by him from November 2, 1874, to May 2, 1876, and that during that time claimant was frequently afflicted with rheumatism to such an extent as to disqualify him for manual labor.

"In affidavit filed April 19, 1884, De Forest R. Rolfe, of Nebraska City, Nebr., testifies that he has been acquainted with claimant during the past twelve years; that claimant was in the employ of his firm from October, 1879, to August, 1882, and that during all that time he was afflicted with chronic inflammatory rheumatism.

"In affidavit filed April 19, 1884, Henry F. Cady, of Nebraska City, Nebr., testifies that he has been acquainted with claimant during the past ten years; that claimant was in his employ from August, 1877, to October, 1879, and that claimant was afflicted with chronic rheumatism to such an extent as to be unable to do much hard labor.

"In affidavit filed April 19, 1884, Dr. Daniel W. Hershey, of Nebraska City, Nebr., testifies that he has been acquainted with claimant during the past sixteen years, and that during the ten years last past he has been personally cognizant of the fact that the said claimant has been afflicted with chronic inflammatory rheumatism, and has been unable to do any labor or to transact any business during most of that time.

"In the certificate of examination made by the board of United States surgeons at Nebraska City, Nebr., claimant is given a second-grade rating.

"It is shown by the records that claimant was sick while in the service, and there is testimony from credible citizens of Nebraska showing the continuance of inflammatory rheumatism during the greater portion of the time since his discharge from the service. He has stated that it is impossible to furnish testimony showing the origin of his disability in the service, and he is now given a second-grade rating for inflammatory rheumatism. The claim seems to be a meritorious one, and your committee therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SANFORD A. PINYAN.

The next business on the Private Calendar was the bill (H. R. 1271) for the relief of Sanford A. Pinyan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to enter upon the muster-rolls of the War Department the name of Sanford A. Pinyan, formerly a member of Company A, First Regiment Georgia Infantry Volunteers, and that the said records shall show in a proper manner that he was regularly mustered in and mustered out of the United States service.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1271) for the relief of Sanford A. Pinyan, submit the following report:

That the records of the War Department do not show that Sanford A. Pinyan was ever mustered into Company A, First Georgia Infantry Volunteers, but the records do show that said Pinyan presented a discharge certificate, showing him enrolled August 31, 1864, and discharged November 4, 1864, at Marietta, Ga., which discharge certificate was signed by D. C. Howard, major One hundred and third Ohio Volunteers, and the records show that said D. C. Howard was "authorized to recruit loyal Georgians for the United States service for the term of three years or during the war." And there is an affidavit of said D. C. Howard which states that said Sanford A. Pinyan—

"Is the identical person who enlisted as a private in Company A, First Regiment of Georgia Volunteers; that about October 4, 1864, while engaged in throwing up earth-works, he received a severe strain, or rupture in side; on account of which he was discharged November 4, 1864."

Also the affidavit of said Sanford A. Pinyan, stating that he was enrolled in Company A, First Georgia Volunteers, August 31, and was in active service until November 4, 1864, when he was discharged for disability. The War Department corrects the record with the following remark:

"There is no record of enrollment, muster-in, or service of this man. He was discharged November 4, 1864, at Marietta, Ga., by reason of disability—nature and origin unknown."

Your committee is of the opinion that when the War Department admits the discharge of the soldier for disability it follows as a natural sequence that he must have been enlisted and mustered into service, which is supported by the affidavit of D. C. Howard. The War Department admits his discharge, consequently the committee is of the opinion that the record should show in proper manner that he was mustered into the service, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAY MARVIN.

The next business on the Private Calendar was the bill (H. R. 7914) granting a pension to Jay Marvin.

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 Jay Marvin, late of Company D, First Regiment of United States Lancers, Michigan Cavalry.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7914) granting a pension to Jay Marvin, submit the following report:

Claimant enlisted December 17, 1861, and was discharged March 19, 1862. Filed claim for pension February 23, 1885, alleging as basis of claim measles and rheumatism, leaving him without use of lower limbs.

Claim was rejected April 10, 1886, for reason that there is no satisfactory evidence that claimant contracted any disability in the United States service. Claimant has no hospital record; testifies that he can not give the names of any of his officers, as they paid no attention to his wants; that about the 1st of January, 1862, he was taken sick of measles and was removed to St. Mary's Hospital, Detroit, Mich., and that he remained in hospital two or three weeks; that after he returned to camp he caught cold and had an attack of rheumatism, which continued to date of discharge, March 19, 1862, but that he was not treated by regimental surgeons, but was excused from duty till discharged. Claimant says he can not give name of first physician who treated him after discharge.

Francis W. Worren, orderly sergeant of claimant's company, testifies that Marvin was taken sick of measles and removed to St. Mary's Hospital; that after his return he (Marvin) took cold and had an attack of rheumatism which continued till his discharge and that he did no duty after taken sick. W. M. Ryan, a comrade and bunk-mate, testifies substantially to the same facts, as does also Mason L. Alexander. Sidney W. Alexander testifies to personal acquaintance with claimant from date of discharge till 1864, and that claimant was unable to work and was confined to his house with rheumatism. There is much similar testimony and sufficient as to present condition to show that claimant is now entirely helpless and has to be moved about in a chair.

In view of all the testimony your committee are of opinion that the case is a very just one and that claimant is entitled to the relief asked, and accordingly recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID ROSE.

The next business on the Private Calendar was the bill (H. R. 7588) granting a pension to David Rose.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Rose, late of Company B, Fifty-fourth Regiment of New York Infantry.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7588) granting a pension to David Rose, submit the following report:

Applicant enlisted October 1, 1863, and was honorably discharged April 14, 1866. He filed application for a pension January 7, 1880, alleging rheumatism and piles. Application was rejected August 28, 1884, on the ground that there was no record in War Department of alleged rheumatism and piles, and claimant's acknowledged inability to furnish testimony showing origin of same in service and line of duty. Claimant alleges that he was taken sick at Folly Island, South Carolina, about the last of 1864 or the first of 1865 with fever and diarrhea, which left him with a severe case of piles and rheumatism. Prior soundness is abundantly proven. Adjutant-General's records furnish no evidence of alleged disability. Regimental hospital records not filed.

Applicant testifies to having been in the regimental hospital at Folly Island a short time, but that he "was on the sick-list for a good while and could do no duty." Dr. N. Pfeiffer, late assistant surgeon of the Fifty-fourth New York Volunteers, claimant's regiment, testifies that he treated claimant for rheumatism about the latter part of October, 1864, and that claimant was in a very bad state. Joseph and Ada Robinson testify November 10, 1883, that applicant has been severely afflicted with piles and rheumatism ever since coming out of the Army, and that he is incapacitated from performing manual labor at least one-fourth of the time. Dr. Charles Seifert, of Terry, Dak., testifies that he treated applicant several times during the year 1883 for chronic diarrhea and hemorrhoids; that the indications were that the ailments were of long standing; that he also treated him for rheumatism in his left arm and shoulder, which was very severe and incapacitated him for the performance of manual labor.

Applicant claims to have suffered more or less ever since diseases were contracted in the Army; that he is unable to do much work; he is poor and needy, without resources for a living, and is forty-seven years of age.

Your committee are of opinion that claimant has a just claim and would therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DOLLY BLAZER.

The next business on the Private Calendar was the bill (H. R. 5050) granting a pension to Dolly Blazer.

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 Dolly Blazer, widow of Richard Blazer, deceased, late captain of Company A, of the Ninety-first Regiment of Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5050) granting a pension to Dolly Blazer, submit the following report:

The facts in the case are fully set forth in the report of the Invalid Pension Committee of the Fiftieth Congress, which your committee adopt as their own, and likewise recommend the passage of the bill.

REPORT.

The beneficiary of this bill is the widow of Richard Blazer, who was captain of Company A, of the Ninety-first Regiment of Ohio Volunteers in the military service of the United States, and who was well known to the country as the intrepid commander of the famous Blazer Scouts, who waged such deadly warfare with Mosby's men in the valley of the Shenandoah and in the mountains of Virginia. She is now fifty-three years of age. Six of the children born to her and said soldier were under sixteen years of age at the time of the soldier's death, and two of them are still under that age.

The soldier died at Gallipolis, Ohio, on the 29th day of October, 1878. His widow applied for a pension under the general law and fully established her claim in every respect, except as to the cause of the soldier's death. She alleged that the cause of his death was rheumatism and disease of the kidneys, and proved conclusively that he contracted these diseases in the line of his duty in

the military service of the United States, and suffered with them constantly to the day of his death; but the Pension Office found the immediate cause of his death to be yellow fever, and rejected her claim upon the ground that the disease was contracted after his discharge from the service.

The evidence as to the cause of death is conflicting, but your committee, after careful and painstaking consideration thereof, are of the opinion that the weight of the evidence is with the claimant, and shows that the death was caused by disease of the kidneys contracted as alleged, and not by yellow fever, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### LAWRENCE DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 6280) granting a pension to Lawrence Dougherty.

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 Lawrence Dougherty, late a private Company B, Thirty-fourth Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6280) granting a pension to Lawrence Dougherty, submit the following report:

The facts in the case appear in the report of the Committee on Invalid Pensions of the Fiftieth Congress, which is as follows:

"The claimant enlisted in Company B, Thirty-fourth Regiment Ohio Volunteers, September 23, 1861, and was discharged October 27, 1864. He alleges that about March 20, 1864, while going to roll-call he was attacked by some drunken comrades, knocked down and beaten and kicked, severely injuring his side, producing hernia; also his face and head, resulting in erysipelas and disease of eyes.

"The claim has been rejected, and the rejection affirmed by the Secretary of the Interior, on the ground that the disabilities were not incurred in the service and line of duty.

"The Secretary of the Interior in summing up the case says:

"The act of the drunken comrades of appellant in assaulting him, although unprovoked, and the fight thereby occasioned sustained neither a natural nor logical connection with the military service and the line of duty in said service, and hence the injuries resulting to the appellant therefrom are not pensionable."

"Although it is conceded by the Department that the injuries were incurred as alleged, and without provocation on the part of the claimant, it may not be improper to quote from a letter on file written at the request of the Pension Office by the brother of the principal assailant detailing the circumstances of the occurrence:

"You ask me to state the cause of the attack on Mr. Lawrence Dougherty. I will say to you that my brother, A. B. Pangburn, told me that the cause was whisky, and if he had not been drunk the thing never would have occurred, as there were no hard feelings between them up to that time.

"You ask me the question, did he go in the tent with his own free will or was he ordered there? He was passing the door of the tent and one of the comrades standing in the door of the tent asked him to come in and he refused, saying that he was going to roll-call, and they asked him the second time. He then stepped one or two steps to the door, when one of the comrades pulled or pushed him into the tent. As best as I now remember, he was not there to help quell the riot, but was asked by a comrade in a friendly manner to come in a minute. Soon after they got him inside of the door, A. B. Pangburn, my brother, struck him in the face and knocked him down. Then George Rossman, a comrade, kicked him in the side, and he was severely hurt. \* \* \* I will say that Dougherty was not in the habit of drinking."

"The committee are clearly of the opinion that the injuries received by claimant are due, without any fault on his part, to his military service, and that he should be pensioned therefor."

Your committee believe the claim meritorious, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### SARAH A. HARRISON.

The next bill on the Private Calendar was the bill (H. R. 5709) granting a pension to Sarah A. Harrison.

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 Sarah A. Harrison, widow of John Harrison, deceased, late second lieutenant of Company G, Seventy-ninth Regiment of Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5709) granting a pension to Sarah A. Harrison, submit the following report:

A similar bill passed the House and was favorably reported to the Senate in the Fiftieth Congress.

The facts in the case are shown by the report of the Invalid Pension Committee of said Congress, which your committee adopt as their own, and likewise recommend the passage of the bill.

#### REPORT.

Sarah A. Harrison is the widow of John Harrison, late second lieutenant Company G, Seventy-ninth Ohio Volunteers, who was a pensioner for total disability from chronic nephritis contracted in the service.

The widow's claim has been rejected by the Pension Office on the ground that the soldier's death from injuries from a fall was not chargeable to his military service.

It appears from the evidence on file that the soldier's whole system became seriously affected from nephritis. On several occasions, while suffering from violent attacks of this disease, he would fall unconscious and remain so for several hours, and it is alleged that on the night of August 7, 1884, while seeking relief, he went to a door on the second floor of his house, and there was taken by a spell of vertigo, which caused him to fall to the ground, injuring him so severely that he died a few hours later.

A number of credible witnesses testify to the frequency of these attacks and their increasing severity, leaving the soldier unconscious for hours.

Dr. E. W. Brown testifies that he attended Mr. Harrison professionally during the last year of his life; that he treated him for chronic nephritis and uremic poisoning, the result of said disease; that he found him suffering and prostrated from the debilitating influences of his disease to such an extent that he could not control his locomotion, owing to his head being affected by said dis-

ease, and that from said causes he frequently fell to the ground; that affiant has no doubt that the fall which caused Harrison's death resulted directly from vertigo, induced by the disease.

Upon appeal to the Secretary of the Interior, in view of certain decisions in similar cases, it was held that it is necessary to clearly prove that the resulting death was caused directly by previously incurred disability and was not produced by negligence, carelessness, or risk on the part of the deceased, nor by a neglect of such care and caution as ordinary prudence required of the deceased pensioner.

There is nothing whatever in the evidence, nor in the circumstances surrounding the soldier's death, which in the opinion of your committee would warrant a conclusion other than favorable to the theory that the fall and injuries resulting in death was due to an attack of vertigo, directly due to the disease for which the deceased was pensioned.

The bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

#### MRS. CATHARINE REED.

The next business on the Private Calendar was the bill (H. R. 4967) granting a pension to Mrs. Catharine Reed.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catharine Reed, widow of Eben P. S. Reed, late of Company D, One hundred and second Regiment of Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4967) granting a pension to Mrs. Catharine Reed, submit the following report:

The facts in the case are set forth in the report of the Committee on Invalid Pensions of the Fiftieth Congress. Your committee are of like opinion, and ask that the accompanying bill do pass.

[House Report No. 2225, Fiftieth Congress, first session.]

Mrs. Catharine Reed is the widow of Eben P. S. Reed, late a private in Company D, of the One hundred and second Regiment Ohio Volunteer Infantry. He was pensioned on or about August 18, 1879, at one-half (\$4) per month for left inguinal hernia, and at one-quarter (\$2) per month for lung disease from December 17, 1863, to March 23, 1878, and thereafter at one-half (\$4), or aggregating \$8 total.

On the 23d of November, 1880, the soldier received an injury from a piece of board thrown from a circular saw running in a factory where he was employed, causing a flesh wound some 4 inches in length in the right groin, of which he died on the afternoon of the 25th of the same month.

The widow applied for a pension on the 7th day of February following, alleging that her husband died from the vitiated and weakened condition of his physical system, the result of his army exposure and lung disease. Her claim was rejected November 15, 1881, on the ground that the immediate death cause—the injury caused by a board thrown from a buzz-saw—did not originate in the service, nor was it a sequela of his pensionable disabilities. On appeal the case was referred to a medical examiner, who made the following recommendation:

"The evidence in this case shows that soldier while working in a saw-mill received a wound in the right groin. Erysipelas appeared in the wound, and two days later the soldier died. While the chance of recovery might have been better had claimant been in perfect health when injury was received, the wound must be considered at least an important factor in death cause, and it is not thought that the office would be warranted in accepting death as the result of disabilities for which pensioned."

To which the medical referee added the following opinion:

"Death cause due to the injury and results thereof; not to pensioned disabilities."

Dr. George Mitchell, in an affidavit dated February 3, 1881, says:

"I was assistant surgeon of the One hundred and second Regiment Ohio Volunteer Infantry and knew Eben P. S. Reed, a private of Company D, of said regiment, who was ruptured while in line of duty, and afterward was taken sick with pneumonia and a low form of fever, and that he was discharged the service on account of disability. I was mustered out of service with the regiment in July, 1865, and since then have been his medical adviser the major part of the time; and I declare further that to the best of my knowledge and belief he has never fully and perfectly recovered from the effects of the sickness he had in the Army, and that his system has been vitiated and weakened by the same to such an extent that he was unable to withstand the effect of a severe injury or disease, as another person would who had a healthy system."

"I also declare that on the 23d of November, 1880, the said Eben P. S. Reed was struck in the right groin by a small board that was thrown from a buzz-saw, making a flesh wound of some 4 inches, and soon after was dressed by Dr. A. V. Patterson, who, so far as the wound was concerned, expected a speedy recovery, not considering the wound one of a serious nature. I saw him on the 24th, about twenty-four hours after the reception of the wound, and erysipelas had then developed. I visited him again on the 25th, with Dr. Patterson, and despite all exertions we could make he sank rapidly and died that afternoon. The vitiated and weakened condition of his physical system, the result of army exposure and disease, in my judgment, invited the erysipelatous inflammation which he was unable to endure."

Dr. A. V. Patterson, in an affidavit filed on the 4th day of February, 1881, says:

"On the afternoon of November 23, 1880, I was requested to visit the said Eben P. S. Reed, in consequence of an injury he had sustained from a board thrown from a circular saw running in the works of the Mansfield Lumber and Building Company, at which he was employed. I found a cut through the integument of about 3 inches in length, in the right groin. No considerable contusion beneath was apparent; no shock. Seemed cheerful, though suffering some pain. I approximated the lips of the wound with a few interrupted sutures, and sent him home. His family physician, Dr. George Mitchell, saw him on the next day. I saw him again on the 25th. An erysipelatous condition had rapidly developed. He died in a few hours after, on the afternoon of the 25th of November, 1880. I examined his lungs at this last visit, and found them fast filling up. I have no doubt the disabilities incurred during his service in the United States Volunteer Army, and for which he was pensioned, rendered him an easy victim to the injury which was the immediate cause of his death."

It will be observed that while the medical examiner says that "it is not thought that the office would be warranted in accepting death as a result of disabilities for which pensioned," he substantially admits that "the chance of recovery might have been better had soldier been in perfect health when injury was received." It will be noticed, also, that he only claims that the wound contributed to the death, and not that it was the sole cause of the death. This appears in the use by him of the following language:

"The wound must be considered at least an important factor in death cause."

He seems to proceed upon the theory that if the disability for which the soldier was pensioned only contributed to the death, and was not the sole cause of it, the pension ought not be granted. This may be a safe rule for the Pension

Office to adopt, but it does not seem to us to be the one that Congress should act upon. It seems to your committee that if the disability incurred in the service contributed materially to the death, it should be considered as the cause of the death, so far at least as the granting of pensions is concerned. A very apt illustration of this principle is found in the common-law rule that a person contributing directly by his negligence to an injury to another is liable severally to that other, notwithstanding the contribution to the injury by some other person or some other cause.

Not only does the medical examiner substantially admit that the pensioned disability contributed or might have contributed to the fatal result, but it will be observed that the two doctors who knew the soldier and his physical condition before he received the wound, and who were in attendance upon him, substantially, all the time from his receiving the wound to his death, concur in the opinion that the soldier's system had been "vitiated and weakened" by the sickness he had in the Army "to such an extent that he was unable to withstand the effect of a severe injury or disease, as another person would who had a healthy system," and that "the vitiated and weakened condition of his physical system, the result of army exposure and disease, invited the erysipelatous inflammation which he was unable to endure."

There is no claim by the examiner nor by the referee that the pensioned disability could not have resulted pathologically in such "vitiated and weakened condition."

In the light of the evidence in this case, your committee are clearly of the opinion that a pension should be granted to this widow, who is very poor and needy, and they do therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ALICE A. CUNNINGHAM.

The next business on the Private Calendar was the bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and required to place upon the pension-roll, at \$12 per month, the name of Mrs. Alice A. Cunningham, widow of James Cunningham, late a private of Company D, Fifty-first Regiment Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4504) granting a pension to Mrs. Alice A. Cunningham, having considered the same, report as follows:

This applicant is the widow of James Cunningham, late a private soldier of Company D, Fifty-first Regiment Ohio Volunteers, who died July 13, 1877, leaving surviving him the applicant (his widow) and six children, all under sixteen years old, three of these of quite tender years. The applicant was married to the deceased soldier August 9, 1861, was subjected to the hardships of his absence in the field, and had to care for him after his return from the war through to the time of his death in July, 1877.

Cunningham, as shown by the record, was mustered into service in September, 1864. It is proven that he was sound at enlistment, and the medical record and the testimony of two regimental comrades (both physicians, who knew him at and after enlistment) shows that he was admitted to the field hospital in January, 1865, for dysentery contracted on march from Nashville, Tenn., to Huntsville, Ala., in December, 1864, and that this developed to chronic nephritis and to chronic diarrhea, for which he was discharged from the general hospital at Nashville, Tenn., June 1, 1865. His comrades testify to visiting him there and that his disease so contracted disabled him.

Soon after his return to his home, in June, 1865, the testimony shows his having to call in medical aid on account of that disease and to be treated therefor, and in proof of that the affidavits of physicians who attended him at close periods are on file. Also testimony of neighbors and employers. All these state that they knew him from his return from the Army to the day of his death; that every year during all that time he was laid up with that disease contracted in the service, had to have medical attendance for it, and by reason of it could not average over one-half day's labor during all the years from discharge to his death.

One of the three physicians attending him at death testifies that he knew him at enlistment, and that he was a sound man; that he attended him at times during the years between discharge and death; that from the time of his discharge to his death he suffered from disease of stomach and bowels up to his death on July 13, 1877, which was caused by inflammation of the bowels, the result of said disease of stomach and bowels.

It appears also that about four days before his death he was hauling rock and shoveling sand, he being a laboring man, and had to do such work for support of himself and family, that it being hot weather the exertion and drinking of water brought on an acute attack. Another of his attending physicians says as to this last sickness that its predisposing cause was "chronic diarrhea, and that the exciting cause was overexertion and drinking too much water."

It is unnecessary to say that a man so constant a sufferer from such disease, and who had to pursue such toil in hot weather for his support, would with but comparatively slight effort be overcome, and the unnatural thirst created by the disease, and added to by labor, could easily and readily account for the sudden attack of his disease in its aggravated form on that occasion.

Another physician attendant at the last illness states that peritonitis set in; that he had attended him for disease of the stomach and bowels from about September, 1867, to his death, July 13, 1877. He states that deceased said he hurt himself shoveling sand about four days before his death, but that he found him suffering from disease of the stomach and bowels, from which he continued to suffer till his death.

It is evident from the testimony that the real source and cause of death was the weakened condition of his stomach and bowels and body, caused by the disease contracted in the Army, and for which he had been treated all these years, and from which he had suffered. It is true that his term of service was short. It is fully as true and thoroughly well proven that he contracted the disease in the Army in the line of duty, on march. In fine, this is fully admitted by the record.

The application for pension was filed late in 1877, about five months after death of the husband, and on June 30, 1883, was submitted for allowance; but for some reason it was thought wise to give the testimony of the physician (who testified that claimant said he hurt himself while shoveling sand) more weight than all the other testimony of all other doctors and laymen, when not a word appears that there was any "hurt" in the sense of bodily or internal injury, and only such "hurt" as would come from drinking water on a hot day by a man weakened as he was by chronic diarrhea, and compelled by poverty and stress of circumstances to labor hauling stone and shoveling sand to earn a support for himself and wife and six infants.

Under all the facts and proof in this case your committee is of opinion that this claimant should have been allowed pension when the same was submitted for allowance by the examiner in June, 1883, and should not have been rejected. And that there is such a current of testimony showing the merit of this claim

and the propriety and justice of its allowance on strict principles that we are constrained to recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH CONNALLY.

The next business on the Private Calendar was the bill (H. R. 3261) granting a pension to Sarah Connally.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension-roll the name of Sarah Connally, widow of Patrio Connally, late a member of Company K, Seventieth Regiment New York Volunteer Infantry, and pay her a pension, subject to the restrictions and rules of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3261) granting a pension to Sarah Connally, submit the following report:

Sarah Connally is the widow of Patrio Connally, late private in Company K, Seventieth Regiment New York Volunteer Infantry, and who enlisted in that company and regiment on April 19, 1861, and was discharged August 13, 1863, by reason of a gunshot wound, resulting in the loss of his left foot, for which he was pensioned, and he died January 9, 1888.

The widow filed her claim in the Pension Office, and it was rejected on the ground that the cause of the soldier's death was not shown to have been the result of a gunshot wound of the left foot, and that medical evidence could not be furnished to prove that his death resulted from the amputation of his limb.

The evidence shows that this soldier had been in delicate health ever after the injury received in the service. He had no desire for food, and became weak. He was able to go about the house. The day before he died he complained of a pain in his amputated limb and also in the back. He was seized with vomiting and died the next day, suddenly and unexpectedly, before the arrival of his family physician. He constantly complained of pain in his amputated limb.

Thomas J. Browne, M. D., in his medical evidence states that the death register was made up by him on the information furnished by the soldier's widow, who described the symptoms he complained of before his death, there being no medical attendance. On his register he entered the cause of death to the best of his opinion, from the symptoms described, as being due to ulcer of the stomach. He says:

"I was not then aware that he had ever lost a limb, amputated, and I am of the opinion that the pain arising from the stump of the limb was the primary cause of the gastric affections."

The fact that this man was pensioned for loss of limb, and that he suffered constantly until he died is well established, that the rejection of the widow's claim in the Pension Office was solely based on the certificate of the physician making the death register, who since, in the affidavit before quoted, says that he knew nothing of the cause of death only from hearsay, and did not know that the man had suffered the loss of a limb, clearly establishes, in the opinion of your committee, the fact that the evidence on which the rejection was based was, to say the least, doubtful.

In the opinion of your committee this claimant is clearly entitled to a pension; that the claim is a meritorious one, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SIMON BEAKLER.

The next business on the Private Calendar was the bill (H. R. 3259) granting a pension to Simon Beakler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby directed to put on the pension-roll the name of Simon Beakler, late of Company B, Seventy-first Regiment of Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3259) granting a pension to Simon Beakler, submit the following report:

Simon Beakler was a private in Company B, Seventy-first Regiment Ohio Volunteer Infantry, having enlisted February 10, 1864, and was discharged November 30, 1865. He filed his application for a pension in the Pension Bureau on May 3, 1882, for chronic diarrhea and sunstroke, incurred in the service at San Antonio, Tex., July 11, 1865. It was rejected for the reason that there were "no records;" the claimant's inability to furnish satisfactory evidence of origin of disabilities.

Claimant alleges in his application for pension that he contracted chronic diarrhea, and was also sunstruck while in the line of duty at San Antonio, Tex., on the 11th day of July 1865, and he is not able to perform manual labor; that the effects of both disabilities have continued up to this date; that he can do but little work of any kind without becoming blind and dizzy from the glare of the sunshine.

The regimental hospital record, reported by the Adjutant-General, is not on file, and therefore there is no record of treatment in the service.

Evidence goes to show that he was a sound and healthy man when he entered the service.

John R. Dennison, a comrade who served with him, said that he was aware of claimant's being overcome by heat at the time he alleges incurrence of the disabilities; that he suffered from it, but he was in prison when it occurred.

A. H. Brandon, in his testimony, says that in the month of July applicant failed to perform duty for the reason that he was sick, but he is unable to state the nature of this sickness, and that claimant did not perform any duty after the date mentioned. He also says:

"I also knew him to be sound and healthy up to the 10th day of July, 1865, at which time our company and regiment arrived at Indianola, Tex., and that in the long march claimant gave out."

John Murphy and John Dice, in their affidavits, say:

"We are both well acquainted with Simon Beakler, the applicant for pension, \* \* \* having been neighbors with him for the past four to six years. He is an industrious man and willing to work when able, but has not been able to do any kind of manual labor since we have been acquainted with him. He is a good and steady citizen. By the aid of his wife, who is an industrious woman, they have managed to eke out a precarious subsistence for their large family. He now has a situation as watchman in the office of an elevator, from which he receives a small salary, but not sufficient to defray the expenses of supporting his family without the help of his wife."

C. F. Powell, a practicing physician, says:

"I live in same town in which claimant resides and have been his family physician for over three years, and have had him under observation and treatment at frequent intervals during that time. His disease is chronic diarrhea, and at times it becomes so severe as to render him unfit for labor of any kind. He

first came under my observation in July, 1880, at which time he was suffering severe pains in the bowels, with copious, frequent watery stools. He has had frequent attacks of the same character, differing only in severity, since, and his bowels are always loose, having from five to fifteen stools per diem. Did not know claimant previous to the war. In my opinion he is not able to earn a livelihood by manual labor."

He also says in another affidavit:

"I have treated him quite frequently for his disease—chronic diarrhea. He is never entirely free from the disease, having from three to six stools a day, and is subject to attacks of great violence, when he will have a stool every half hour until he is almost prostrated from the excessive diarrhea. During the severe attacks he suffers severe pain in the abdomen, and his stools, which are ordinarily watery, become slimy and sometimes bloody.

"He is barely able to eke out an existence by doing light work, but at no time is he able to do the work of an ordinary able-bodied man. It is my emphatic opinion that he is disabled for manual labor in a pensionable degree."

O. M. Marquardt, a practicing physician, says in his affidavit:

"I was not acquainted with Simon Beakler prior to the war; have known him about five months. Have given him a thorough examination and find that he is suffering from chronic diarrhea, which disables him for manual labor in a marked degree. He has four or more stools each day, which are watery in character. At times will have severe attacks when stools are numerous, slimy in character, and mingled with blood. The long-continued drain upon his system by reason of chronic diarrhea has greatly impaired his general health, and he is at no time capable of doings of an able-bodied man. It is my candid opinion he is disabled in a pensionable degree, his disability being fully 50 per cent. below that of an able-bodied man."

L. C. McClung, examining surgeon, in his affidavit, says:

"General appearance unhealthy. An examination reveals furred tongue, pointed and red at edges; a feeble, quick, and irregular pulse. General muscular weakness, result of chronic diarrhea, from which he states that he is seldom free, except occasionally in winter seasons, and in part result of sun stroke, July 11, 1865. Am unable to determine degree of disability resulting from each cause separately."

He was also rated at 88 before another board of examining surgeons for this disability.

Had the hospital record in this case been on file there is no doubt in the mind of your committee that the pension would have been allowed in the Pension Bureau, and after careful investigation of the evidence on file your committee is of the opinion that this is a meritorious case and recommends the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH BENNETT.

The next business on the Private Calendar was the bill (H. R. 6153) granting a pension to Elizabeth Bennett.

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 the name of Elizabeth Bennett, mother of John Bennett, late a private in Company H, Seventh New York Heavy Artillery Volunteers, and to pay her a pension.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6153) granting a pension to Elizabeth Bennett, submit the following report:

Elizabeth Bennett is the mother of John Bennett, late private in Company H, Seventeenth Regiment, New York Heavy Artillery Volunteers. He enlisted December 28, 1862, and died August 10, 1864. The mother filed her application for pension April 16, 1866.

The son died of wounds received near Petersburg, Va., June 16, 1864, as shown by the record in the Adjutant-General's Office. He was detailed to the wagon train to convey wounded from the front of Petersburg to City Point, and while in the performance of this duty he was shot, and the officer in command testified that he saw the leg shattered, from the effect of which he died soon after. Her claim in the Pension Office as a dependent mother was rejected on the ground that the soldier had left a widow, who also claimed the pension as the widow of said soldier. But her claim was rejected in the Pension Office on the ground that, as is shown by the evidence on file, she was cohabiting and living as the wife of another man, and while these claims were pending in the Pension Office the alleged widow died without issue.

This soldier, therefore, undeniably has neither widow nor child living, and no one else living who can claim pension except the mother. She states that she still remains unmarried, is aged, and infirm, and almost without the means of self-support. This latter statement is well supported by the evidence on file. After a careful examination and consideration of this case and the evidence on file, your committee is clearly of the opinion that this is a meritorious claim, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. BRYAN.

The next business on the Private Calendar was the bill (H. R. 1110) granting a pension to William J. Bryan.

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 the name of William J. Bryan, late a member of Company A, Twenty-first Regiment Ohio Volunteers, upon the pension-roll of the United States, and from and after the passage and approval of this act pay to him a pension at the rate of \$12 per month.

The report (by Mr. BOOTHMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1110) granting a pension to William J. Bryan, submit the following report:

This claimant enlisted April 19, 1861, in Company A, Twenty-first Regiment Ohio Volunteers, and was discharged August 12, 1861. The evidence of prior soundness at enlistment, filed in the Pension Office, is ample and undisputed. That claimant was afflicted with measles and chronic diarrhea while in service, and which arose by reason of the service in line of duty, is also proven beyond question.

That he was discharged in a broken-down condition and suffering from effects of measles, which affected his eyes, and from chronic diarrhea, stands proven by the affidavits of his captain, second lieutenant, two privates of his company, the colonel of his regiment, and Lieutenant Brewster, of Company K of his regiment, who also testify to the origin of the same in line of duty.

Continuance of these troubles now and from discharge and since 1863, aggravated by piles, sequelae of the chronic diarrhea, also stands proven by the affidavits of some 18 witnesses who have known claimant since his discharge; also by the testimony of local physicians of undoubted credit and good standing; and further by the report of each medical board who have examined him since

1870, the last of said boards rating the disability at total, and this report bears date March 9, 1887, the claim for pension being filed in 1879.

The only evidence against the claim is the testimony of two witnesses, namely: John B. Brown and Caroline Brown, his wife, who first swore that claimant chopped for said Brown in the winter of either 1861 or 1862, and there was nothing the matter with him then. Subsequently to giving this first evidence the Browns swore more positively that this work was done in the winter of 1862, after the claimant was discharged. But that the Browns are mistaken as to the date when the chopping was done is shown by the evidence of the claimant, who swears that it was in February, 1861, before he went into the service.

He is supported in this statement by Sarah N. Bryant, his sister, who boarded in the same house with him; by N. H. Newcomer, who swears it was the winter before he (Newcomer) enlisted, and that his enlistment was in August, 1861, and by H. E. Witmore, the man who worked with claimant when the chopping was done, all of whom fix the date as in the winter of 1861 before claimant enlisted. Their evidence is also supported by the other testimony in the case, which, out of the mouths of some eighteen witnesses, declares that at discharge he was badly broken down by reason of the diseases which the undisputed testimony shows he did suffer from while in the service.

Your committee therefore think that the weight of the evidence is in favor of the claimant, and recommend the passage of the bill.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

MALINDA FOREMAN.

The next business on the Private Calendar was the bill (H. R. 2318) granting a pension to Malinda Foreman.

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-rolls, subject to the provisions and limitations of the pension laws, the name of Malinda Foreman, widow, and minor children of William H. Foreman, late teamster of Company H, Ninety-fourth Regiment Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2318) granting a pension to Malinda Foreman, submit the following report:

The facts in the case are set forth in the report of the Committee on Invalid Pensions of the Fiftieth Congress, which is as follows:

"The beneficiaries of the bill are the widow and children of William H. Foreman, late of Company H, Ninety-fourth Regiment Ohio Volunteer Infantry.

"The records show his due enlistment, his honorable discharge, the marriage to the claimant, and the birth of the children.

"The facts in the case are: That said William H. Foreman, at or near Nashville, Tenn., December 10, 1862, while in the line of military duty, incurred an injury to his left breast and internal injury by being thrown from his horse (see evidence of James Kyle, captain Company H, Ninety-fourth Regiment Ohio Volunteers, and D. T. Davidson, first lieutenant Company H, Ninety-fourth Ohio Volunteers). The disability continued after the soldier's discharge and up to the time of his death, May 20, 1883 (see evidence of Eliza Ary and Sarah Cavelle, neighbors), and he received treatment therefor (see evidence of H. R. McClellan, M. D., Xenia, Ohio).

"Prior to death, May 20, 1883, the soldier was suffering very severely from the injury to his left breast, and one Dr. Dillion was called in to prescribe for the injury. In the extreme and excruciating torture and suffering which the said soldier endured from said injury to his left breast, the said Dr. Dillion administered morphine in order to afford relief, and it is alleged that an overdose of morphine was administered.

"Although morphia was administered, yet the direct and positive cause of death was the injury incurred on his left breast and internal injury while in the military service. (See evidence of J. R. McClellan, M. D., Xenia, Ohio, who is one of the ablest physicians of his city, who testifies that the morphia actually caused death, but that the soldier could not have lived more than a few days, when death would have resulted from his wound above described.)

"Under these circumstances we think the fact that death came to his relief a day or two before it would have done in the ordinary course of nature ought not to bar the claim of his widow for pension, and we recommend the passage of the bill."

Your committee likewise report favorably on the accompanying bill and ask that it do pass.

Mr. MORRILL. I move to strike out the word "teamster" in this bill.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNA McCREARY.

The next business on the Private Calendar was the bill (H. R. 2317) granting a pension to Anna McCreary.

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 Anna McCreary, widow of Robert McCreary, late private of Company D, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2317) granting a pension to Anna McCreary, submit the following report:

The facts in this case are set forth in the report of the Invalid Pensions Committee, Fiftieth Congress, as follows:

"The beneficiary of this bill is the widow of Robert McCreary, late private of Company D, One hundred and eighty-sixth Regiment Ohio Volunteers.

"The records show the enlistment and honorable discharge of the soldier, and his marriage to claimant.

"At Murfreesborough, Tenn., May 25, 1865, while in line of military duty, he contracted chronic diarrhea; also disease of eyes and impaired hearing, at Chattanooga, Tenn., July, 1865, resulting in blindness and deafness (see evidence of G. A. White and William I. Smith, comrades).

"This disability continued after the soldier's discharge, and up to the time of his death (see evidence of George Doogan, John Holmes, H. W. Anderson, William Lane, W. H. Stutson, John Donovan, and John Sweeney, neighbors), and he received treatment therefor (see evidence of Dr. J. D. Edwards).

"In September, 1877, the soldier was in the employ of the Pittsburgh, Cincinnati and St. Louis Railway Company, at Xenia, Ohio, as a car repairer. On the night of September 13, 1877, while engaged in repairing a car which had been raised at one side by means of a jack, he lost his life in the following manner: The car being tilted over too far began to totter; his fellow-workmen called to him to beware of the danger. By reason of his deafness he did not hear the first

eries, which were perfectly audible to his fellow-workman, William Lane; and on being called to again he tried to make his escape, but in doing so, by reason of his blindness, he started in the wrong way or direction, and fell or was knocked off a bridge by the falling car and killed. (See evidence of John Sweeney, William Lane, and John Donovan.)

"The Interior Department holds that his death was not primarily caused by his disability, but we think, under the circumstances, the death was clearly the result of his disability, and we recommend the passage of the bill."

Your committee likewise recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### EMELINE BEAM.

The next business on the Private Calendar was the bill (H. R. 4355) for the relief of Emeline Beam, mother of Isaac W. Beam.

The bill was read, as follows:

*Be it enacted, etc.*, That the Commissioner of Pensions be, and he is hereby, directed to place upon the pension-roll, at the rate of \$12 per month, the name of Emeline Beam, mother of Isaac W. Beam, deceased, late a private in Company A, of the Ninety-sixth Regiment of Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4355) for the relief of Emeline Beam, mother of Isaac W. Beam, submit the following report:

The facts in the case are set forth in the report of the Committee on Invalid Pensions of the Fiftieth Congress, which is as follows:

"This claim was rejected by the Bureau of Pensions because the proof failed to satisfy the bureau that the soldier's death was the result of a disability contracted in the service.

"The deceased son, Isaac W. Beam, enlisted in the Ninety-sixth Ohio Volunteer Infantry in August, 1862, for three years, and was discharged in 1863 on account of permanent disability, having been in the hospital for treatment for some time prior to discharge. The soldier died unmarried in 1873.

"The proof of the dependence of the claimant upon her deceased son is, in the opinion of the committee, entirely satisfactory, and we understand was so regarded at the Pension Bureau.

"Upon the question as to whether the soldier's death was the result of a disability contracted in the service, Dr. W. J. Sullivan testifies that he, as assistant surgeon of the Ninety-sixth Ohio Volunteer Infantry, examined the soldier at his enlistment and found him then sound and in good health. That while in the service on a march the soldier was attacked with inflammation of the spinal cord and meninges, and was by him treated for that disease; that the soldier, not improving under his treatment, was sent to the general hospital, after which he never saw him.

"Dr. J. J. Scribner testifies that he knew the soldier intimately prior to his enlistment; that soldier was then sound and in robust health, but upon his return home, after his discharge, he appeared to be broken down and his system shattered, and was never well afterward; that after the soldier's discharge and return home he was treated for some time by Dr. Thompson, now deceased, for spinal trouble. Dr. Scribner being then a student in Dr. Thompson's office. Dr. Scribner also testifies that he afterwards treated the soldier for spinal and brain trouble, which terminated in paralysis, causing the soldier's death.

"Dr. S. Axtell testifies that he was a near neighbor of the soldier and knew him intimately from infancy; that prior to and at his enlistment the soldier was sound and strong; that upon his return home, after his discharge, he was sick, seemed prostrated with inflammation of the spine and nerve centers, from which he never recovered and which finally resulted in his death.

"Dr. J. W. McMillan testifies that upon the return of the soldier from the service he was in very poor health, afflicted with spinal and nervous trouble, for which he was occasionally treated by Dr. McMillan, and of which he finally died.

"A great number of the soldier's neighbors and acquaintances testify to his soundness in health prior to and at his enlistment; to his feeble condition upon his return from the service, and to his continued ill health to the date of his death. Against all this is the hospital record which states that the soldier was there treated for ulcers on his legs, and makes no mention of other disease.

"From all the testimony, your committee believe and find that Isaac W. Beam was sound at his enlistment; that his death was the result of disability contracted in the service; that the claimant, his aged mother, was dependent upon him, and is therefore entitled to a pension.

"We recommend the passage of the bill."

Your committee likewise recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MARY DONOHUE.

The next business on the Private Calendar was the bill (H. R. 3065) granting a pension to Mary Donohue.

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 Donohue, widow of Thomas Donohue, late a private in Company E, Forty-third New York Volunteers, and pay her a pension, subject to the conditions and limitations of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3065) granting a pension to Mary Donohue, submit the following report:

Mary Donohue is the widow of Thomas Donohue, late private in Company E, Forty-third Regiment New York Volunteer Infantry, who was pensioned for right inguinal hernia, contracted in the service.

She made application for pension after the death of her husband, and it was rejected on the ground that the cause of death was not attributable to disease contracted in the service, for which he was pensioned.

This man suffered from an aggravated case of inguinal hernia while in the service, and for which he was discharged. After service his disease constantly grew worse and his pension was increased on that ground.

Three years prior to his death he was compelled to go to St. Peter's Hospital for relief, but was discharged from said hospital as incurable and became utterly helpless. For months he could hardly walk on account of the rupture. He finally died with a slight attack of pneumonia, as the doctors stated.

His widow states that for several years prior to his death he was unable to speak clearly and his hearing was affected, and if it is true that he died from an attack of pneumonia there is no doubt, had he not been reduced in health and his system in a condition in which it would easily succumb to a slight attack of any disease, there is no doubt but that he could have recovered from it, which did not appear to be a very severe disease of his lungs.

Claimant states that the attending physician said, at the time of his death, that the rupture was the indirect cause of it, but has since refused to verify his statement by affidavit.

The widow is now very old, dependent, and helpless, having no property whatever.

After careful examination and investigation of this claim your committee is of the opinion that there is, to say the least, sufficient ground to prove that this man died indirectly, if not directly, of the disease contracted in the service and for which he was pensioned, and this pension increased from time to time, which goes to show that he was constantly growing worse, and that this aged, helpless widow should be entitled to the pension, and that it is a meritorious case.

Your committee therefore make a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ANNA A. PROBERT.

The next business on the Private Calendar was the bill (S. 511) granting a pension to Anna A. Probert.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension-roll the name of Anna A. Probert, widow of George C. Probert, late a first lieutenant in the Third Ohio Cavalry, and to pay her a pension subject to the conditions and regulations of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 511) granting a pension to Anna A. Probert, submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which your committee adopt as its own, and likewise recommend the passage of the accompanying bill:

"The Committee on Pensions, to whom was referred the bill (S. 511) granting a pension to Anna A. Probert, have examined the same and report:

"The applicant is the widow of George E. Probert, who was mustered into the United States service as battalion quartermaster, Third Ohio Volunteer Cavalry, December 9, 1861, and mustered out September 4, 1862, and re-enlisted as first lieutenant and adjutant of same regiment April 1, 1863, and mustered out March 30, 1864, on account of chronic diarrhea and functional disease of the heart, which entirely incapacitated him for military duty, and he was a pensioner of the United States Government from March 30, 1864, till his death, September 30, 1873, at \$17 per month.

"He died at Memphis, Tenn., whether he had gone to render assistance to those suffering from yellow fever, and while there was himself attacked by that disease, which, aggravated by his former chronic troubles, caused his death.

"At the time of the death of her husband this applicant was confined as a patient in the insane asylum at Columbus, Ohio, and so remained until October, 1880, when she was discharged as fully recovered.

"She and said deceased were married on the 10th of February, 1864, neither having been previously married, and since his death she has remained a widow. Two children were born of this marriage, both of whom are still living, to wit, Grace Probert, born November 21, 1868; Clarence Probert, born August 30, 1871.

"Since the death of their father these children have been under the care and control of their mother, and have been supported by her labor and the aid of her relatives, except that for about three years the said Clarence was an inmate of the Soldiers' Orphans' Home at Xenia, Ohio.

"Justice commends this claim to our approval; we therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### BRIDGET WHITE.

The next business on the Private Calendar was the bill (S. 2064) placing the name of Bridget White on the pension-rolls.

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 Bridget White, widow of William White, deceased, late private Company I, Eleventh Regiment Ohio Volunteer Infantry, on the pension-rolls, subject to the limitations and restrictions of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2064) placing the name of Bridget White on the pension-rolls, submit the following report:

The facts in the case appear in the report of the Senate Committee on Pensions, which your committee beg leave to adopt as its own, and likewise report favorably on the accompanying bill:

"The Committee on Pensions, to whom was referred the bill (S. 2064) granting a pension to Bridget White, widow of William White, deceased, late private Company I, Eleventh Regiment Ohio Volunteer Infantry, have examined the same, and report:

"That this is the same bill as that reported by the committee last Congress, on April 24, 1888. A copy of said report is attached hereto and made a part hereof.

"The committee adhere to their former action and recommend the passage of the bill."

[Senate Report No. 1038, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2450) granting a pension to Bridget White, have examined the same and report:

The claimant is the widow of one William White, who was a private in Company I, Eleventh Regiment Ohio Reserves, in the war of 1861. He served with his regiment thirty days, being called out with other forces to resist the threatened raid of General Kirby Smith against Covington and Cincinnati in the fall of 1862. He was discharged October, 1862, with the remainder of the command, and paid off at Columbus, Ohio. He died of consumption at Cincinnati, Ohio, May 4, 1869.

It appears from the evidence that about the 1st of September, 1862, the soldier's regiment was ordered suddenly across the river, behind Covington, to work upon and guard fortifications there. That the weather was very inclement, being cold and rainy. That the men left home without substantial clothing, on short notice, and were placed in the trenches and in the camp without tents, quarters, or shelter of any kind. That White, the soldier, took cold very severely from this exposure.

That he was treated for this while in the service, but that he suffered from it very much up to the time he was discharged. That after his discharge he still suffered from the effects of it, having pains in the head, neuralgia, swollen lip and jaw, and a difficulty of breathing which prevented sleep, except in a sitting posture. He was unable to work at his trade (that of a blacksmith), and had a

hacking cough, which did not yield to treatment, but ended at last in consumption of the lungs and death.

We think that the testimony, both lay and medical, establishes the strong probability that his death and disease originated in the service. He had been before a well, stout, active man. And although rejection was advised upon the weight of evidence as to traceability of his disease and death to his service, we think the preponderance of the proof is favorable to the claimant's right, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. PITNER.

The next business on the Private Calendar was the bill (H. R. 3034) granting a pension to George W. Pitner.

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 W. Pitner, late of Company E, Seventy-seventh Regiment of Ohio Volunteer Infantry, and that he be paid a pension at the rate of \$30 per month.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3034) granting a pension to George W. Pitner, submit the following report:

George W. Pitner was a member of the Seventy-seventh Ohio Volunteer Infantry and served about three years, and in his affidavits he states that while in the service and on the march from Mobile to Nana Hubba Bluff, on the Tombigbee River, on or about the 28th of May, 1865, he had a sunstroke from which he never recovered; that he was mustered out of the service on the 8th day of March, 1866; that on the 2d day of June, 1881, while under the influence of vertigo, caused by sunstroke, he fell into a well and was so injured that his right leg had to be amputated below the knee, and the left leg was so injured that it is substantially useless, the ankle joint being destroyed, and he is now utterly helpless and in great need.

The testimony of George W. Williams, who was with him on this march at the time of his sunstroke, is that Pitner went away at the time of this sunstroke in an ambulance; that he was too weak to march; that he was so light-headed that he was apt to stagger around and fall; that he did no more duty there, but was under the care of the surgeon and did only light duty from this injury until he quit the service; was subject to fainting spells and complained of his head.

Dr. Cook, a prominent physician in Bridgeport, Ohio, the present postmaster of that place, states that he has known Pitner and treated him more or less ever since he came out of the service; treated him at times for sunstroke or vertigo; that when he was treating him in July, 1867, for sunstroke he told him of the attack of sunstroke he had in the Army, and gave him full particulars of the same.

Dr. Cook says that he believes that the attack he had in July, 1867, was superinduced by the former attack he had in the Army, and that these attacks of vertigo are so severe as to incapacitate the claimant for any kind of daily labor. Dr. Cook also testifies that it was during one of these attacks that he fell into the well and was so dreadfully injured.

The testimony shows conclusively that Pitner is a man of good character, worthy of credit and belief, and free from all bad habits, but very poor, entirely without any means of support, and if relief is not given him at once he will be compelled to go to the poor-house, although his wife and children are struggling to prevent it.

This bill was passed without a dissenting vote in the last Congress, but was vetoed by President Cleveland in the last days of the Administration, and too late to bring it before the House with a view of having it pass by a two-thirds vote.

Your committee is satisfied that this is a very deserving case, and therefore recommend the passage of the bill, amended, however, by striking out all after the word "infantry," in line 7.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

J. N. JORDAN.

The next business on the Private Calendar was the bill (H. R. 4522) granting a pension to J. N. Jordan.

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 J. N. Jordan, late a member of Company H, Fourteenth Illinois Cavalry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4522) granting a pension to J. N. Jordan, submit the following report:

The soldier enlisted November 15, 1862; discharged July 31, 1865. Basis of claim, that at Glasgow, Ky., September, 1863, soldier received injury to his left shoulder and back by his horse falling and throwing him against curb of pike road. The claim was rejected in the Department on ground there was no record, and that claimant was unable to furnish evidence showing incurrence of injury.

The evidence shows that while the soldier was on detached duty his horse fell with him, and he was injured in the shoulder and back, from which he is still suffering; but no person was with him at the time, and he is therefore unable to furnish the necessary proof to the Department to entitle him to a pension. The soldier's character is vouched for, and the medical examination shows that he is suffering from said injuries, and that the soldier is poor, and is now about fifty years old. We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH DEVINE.

The next business on the Private Calendar was the bill (H. R. 3242) granting a pension to Sarah Devine, mother of Jesse Chapman.

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 Sarah Devine, mother of Jesse Chapman, late a private in Company H, Sixty-fifth Regiment Indiana Volunteers, in the war of the rebellion.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3242) granting a pension to Sarah Devine, submit the following report:

It appears from the evidence on file that the claimant, Sarah Devine, was first

married to a Mr. Chapman, by whom she had a son named Jesse Chapman, the soldier hereinafter mentioned; that her husband, Mr. Chapman, died, and she afterwards married a Mr. Devine, who also died several years prior to the beginning of the late civil war; that her said son, Jesse Chapman, in August, 1862, enlisted as a private in Company H, Sixty-fifth Regiment Indiana Volunteers, in the war of the rebellion; served till about the 12th of November, 1862, when he deserted; that he returned April 19, 1863, to his military service, and was restored therein; that he continued in such service until the 9th day of April, 1865, when he was shot and killed at Nashville, Tenn.; that during his military service he was wounded twice prior to the fatal shot which caused his death.

He was shot on the 8th of April, 1865, and died on the 9th of April, 1865; that at the time said soldier entered such service and for several years previous thereto his mother, the claimant, was dependent on him for support, and was so dependent on him at the time of his death; that said claimant has never remarried since the death of her husband, Mr. Devine; that at this time the claimant has no property of any kind, no means of support, is between seventy-five and eighty years of age, and in very feeble health, and no relatives able to furnish her support; that the claimant filed her claim before the honorable Commissioner of Pensions, but the same was rejected on the grounds that she was unable to show any of the circumstances under which the soldier was killed.

Your committee therefore report the bill back with the recommendation that the same do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET E. COOPER.

The next business on the Private Calendar was the bill (H. R. 7816) granting a pension to Harriet E. Cooper.

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 E. Cooper, widow of William B. Cooper, late major of the Ninety-eighth Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7816) granting a pension to Harriet E. Cooper, submit the following report:

This bill was reported favorably by the Committee of the House and Senate on Invalid Pensions, which report this committee adopt as their own, and which report is in the following language:

"That the said William B. Cooper was major of the Ninety-eighth Illinois Volunteers, was mustered September 3, 1862, and honorably discharged April 1, 1863; that while in the service and in line of duty he contracted rheumatism, for which he drew a pension until his death, December 9, 1882; that the claim of Harriet E. Cooper for a pension as the widow of said William B. Cooper was rejected by the Department upon the alleged ground that his death was the result of intemperance.

"Your committee have examined the evidence with care, and while it is true that the testimony shows that Major Cooper drank a good deal, yet we can not arrive at the conclusion that his death was traceable to this cause, but rather to rheumatism.

"Dr. Frank W. Goodell, a physician in good standing in Effingham, Ill., testifies that he knew the soldier; that he saw him shortly before his death and made an examination of his condition, and swears that in his opinion, from his knowledge of the case, rheumatism was the cause of the death of Major Cooper.

"It is also in evidence that the soldier visited a physician in St. Louis and was examined by him, and the physician told him that he could not live more than six months; that the rheumatism would go to his head or spine.

"Dr. John N. Groves also testifies in the record that he saw the soldier some time shortly before his death, when he was in a dying condition, and that he believes that death was caused by rheumatism of the brain.

"We think the testimony warrants the conclusion that rheumatism was the cause of the soldier's death, and therefore recommend that the bill do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HERMANN F. A. ROEDEL.

The next business on the Private Calendar was the bill (H. R. 7829) granting arrears of pension to Hermann F. A. Roedel.

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 arrears of pension to Hermann F. A. Roedel, late a private in Company A of the Sixth Ohio Volunteer Infantry, under the provisions and limitations of the pension laws, the same as if his claim had been filed in the Pension Office in the month of November, 1879, he having forwarded his claim to the Pension Office during that month, but the papers were lost in the mails or before they reached the files of the Pension Office.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7829) granting arrears of pension to Hermann F. A. Roedel, submit the following report:

It appears from the testimony on file with the committee in this case that about the month of November, 1879, the soldier made application under oath for a pension, and that he and his witnesses appeared before one Wilbur F. Henry, an attorney at law in Pekin, Ill., and the application for a pension was then and there made by the soldier, being prepared by said Henry, and also the affidavits of his said witnesses were all reduced to writing and signed and sworn to by them, and all the papers when completed and executed were placed in the hands of said Henry, who mailed said application, with all the proofs taken, direct to the Commissioner of Pensions, Washington, D. C., postage prepaid, and which mailing was prior to the 1st day of June, 1880.

The testimony on these points is sworn to and is conclusive. It appears further that the papers never reached the Pension Office, and the soldier knew nothing of the loss of said papers until the fall of 1880, when the limitation under the arrearage act had expired some three months, making it impossible for the soldier to get the benefit of that act. In 1883 the soldier made another application for pension on the same grounds claimed in his first application, and the same was allowed at \$6 per month until March, 1889, when it was increased to \$8 per month.

The facts that the soldier had made application for his pension and fully proven the same, and caused said papers to be mailed to the Pension Office, at Washington, D. C., prior to June 1, 1880, and that said papers never reached said office, but were lost in the mails, as the testimony clearly shows, the committee find are fully proven; and without any fault of this soldier, he was deprived of the arrears of pension from November, 1879, that being, as the committee think, about the date said papers were mailed, until the time the same was allowed in 1883.

The committee report the bill back with a recommendation that the same do pass.

Mr. BRECKINRIDGE, of Kentucky. I would like to ask how much this bill carries, as it is not an ordinary case.

Mr. MORRILL. I will state that the bill will carry whatever disability he proves for each year from the time of his discharge up to 1883, some eighteen years. The rate is to be fixed by the office, and will depend upon the proof he files in the office. The probability is that it will be less than \$6 a month.

Mr. BRECKINRIDGE, of Kentucky. It appears from the reading of the report that he has been allowed \$6 a month, or \$72 a year.

Mr. MORRILL. Yes; for some eighteen years.

Mr. BRECKINRIDGE, of Kentucky. What I want to get at is whether that is not rather a bad precedent to establish. It appears that the papers were filed in the case in 1879, and mailed before the 1st of June, 1880, and that the loss of the papers was not known until the fall of 1880. Is it not rather a strange thing that the loss was not discovered before that time?

Mr. MORRILL. It was not ascertained that the papers were lost until late in the fall of 1880.

Mr. BRECKINRIDGE, of Kentucky. But is that not rather a long time to find out that a letter which left some place in Indiana, I believe—I did not catch the reading distinctly—

Mr. MORRILL. No; in Illinois.

Mr. BRECKINRIDGE, of Kentucky. Well, in Illinois. I say it is not rather a long time to discover that the letter had not reached Washington?

Mr. MORRILL. Well, hardly; because the soldier would not know that the Pension Office had not received it, as the office was not in the habit then of promptly acknowledging such papers.

Mr. BRECKINRIDGE, of Kentucky. But in this case I understand the claim was made up by attorneys?

Mr. MORRILL. The gentleman from Illinois [Mr. LANE] prepared the case and stated that it was an absolutely clear one, and that the application was mailed in due time. He is not present now.

The rule of the committee has always been where the soldier proves that the papers were lost through no fault of his own, or of his agent, to give him the full amount of arrears. There have been several such cases, and it would seem that it is only just where the loss occurred through no fault of the applicant that he should receive the relief. The papers were mailed in time to bring him within the law.

Mr. BRECKINRIDGE, of Kentucky. I can readily see how an injury or injustice might be worked on a pensioner, and would be perfectly willing to remedy it; but I do not quite see why the Government should be left wholly at the mercy of any person who wants to commit a fraud, as it is impossible for anybody except the pensioner and his witnesses to know whether the package was deposited in the post-office. There is no possible mode of discovering the fraud or exposing the perjury. It is a case where there is absolute freedom from danger if the person making the application and the witnesses are willing to take the necessary oaths, and therefore it opens the door for a fraud that is incapable of exposure and detection. On the other hand, I can readily see that a very great injustice can be worked and can not be remedied.

Mr. MORRILL. I think this case has been carefully investigated. I realize the force of the fact that we have to rely absolutely upon the testimony of the parties interested.

Mr. BRECKINRIDGE, of Kentucky. It seems that the old equity principle could not be applied in a case like this, and that equity would not interfere for the fellow that slept on his rights, but that it should be invoked for the wakeful.

Mr. MORRILL. I can hardly understand that he slept on his rights if he had no means of ascertaining that the papers had not been received at the Pension Office and if the applicant was entirely faultless in the matter.

Mr. BRECKINRIDGE, of Kentucky. If the case had been that of some ignorant pensioner, some illiterate man, some common soldier, I do not know that I would have called the attention of the committee to it at all; but the proof seems to be that this person was in the business, a claim agent, or pension attorney, a person doing business of that sort or conducting business of that kind, a person, therefore, who had a fee in it. According to my experience lawyers, pension agents, claim agents, and attorneys keep the track of their business. If they do not hear of its proper progress they make inquiries; and that was a good long while to wait when the case was in the hands of an expert in the business, and who would certainly find out that there was some error if the papers miscarried.

Mr. MORRILL. I can readily see how this could occur from the fact that the acknowledgment of receipt by the Pension Office is made to the claimant generally, and not to the attorney; so that the attorney would have no opportunity to know that it was not all right and that the papers had not been received.

Mr. TRACEY. Mr. Chairman, I would like to ask the gentleman from Kansas a question. What is the nature of the proof in this case or in cases like it?

Mr. MORRILL. The affidavit of the party that they had mailed the letter. I did not investigate the case. It was reported by Mr.

LANE, who is very careful in these cases, and he says that the proof in this case was absolutely clear.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER PETERSON.

The next business on the Private Calendar was the bill (H. R. 6388) granting a pension to Peter Peterson.

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 Peter Peterson, late of Company E, Eighty-third Regiment Illinois Infantry.

The report (by Mr. POST) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6388) granting a pension to Peter Peterson, submit the following report:

The claimant enlisted as private in Company E, Eighty-third Regiment Illinois Volunteers, July 31, 1862, and was discharged upon surgeon's certificate of disability July 3, 1863, on account of rheumatism. He applied for pension September 1, 1863, alleging rheumatism, disease of lungs, and injury to right hip.

The claim, after a special examination, was rejected on the ground that the records of the War Department tend to show that the only disability shown by medical examination, rheumatism and resulting disease of heart, was not the result of his military service, and that the parol evidence is insufficient to controvert the record.

The record referred to is the certificate of disability, in which it is stated that the soldier is too old and has been unfit for service since enlistment.

On the other hand it is conclusively shown that claimant was only forty-two years old at enlistment, or lacking three years of the age fixed by law for exemption from military duty; that he was sound and able-bodied at enlistment, and did not become disqualified for the performance of military duty until January, 1863, when stationed in a malarial region of the country.

There is no satisfactory evidence of an injury to right hip, nor of disease of lungs, the latter being evidently a wrong diagnosis of the case.

In the opinion of your committee the claimant should be pensioned for rheumatism and its sequences, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET LYNCH.

The next business on the Private Calendar was the bill (H. R. 4246) granting a pension to Bridget Lynch.

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 Bridget Lynch, widow of Thomas Lynch, late of Company A, Seventy-seventh Regiment Illinois Volunteers.

Mr. HILL. I think we ought to have the reports read.

The CHAIRMAN. They will be printed in the RECORD to-morrow.

Mr. HILL. I think we ought to have them read.

The CHAIRMAN. Does the gentleman call for the reading of the report?

Mr. HILL. I ask to have the report read.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4246) granting a pension to Bridget Lynch, submit the following report:

Bridget Lynch is the supposed widow of Thomas Lynch, who served as a private in Company A, Seventy-seventh Regiment, Illinois Volunteers, from January 5, 1864, until June 17, 1865, when he was mustered out with a detachment of paroled prisoners. He was captured April 8, 1864, sent to Fort Tyler, Texas, where he was kept in confinement until May 27, 1865. While a prisoner of war he contracted chronic diarrhoea from which he suffered severely at date of discharge and thereafter, as conclusively shown by the evidence on file.

About July, 1866, while still disabled from the army disease, he left his home in Peoria, Ill., to seek employment on a railroad then being built in Iowa. Not hearing from him for more than three months after his departure, his wife, the claimant, she being in poor health, with financial aid of neighbors went to Burlington, Iowa, for which place he started, to search for her missing husband. There she ascertained from some railroad employes who had come from the end of the road then under construction that her husband had died about 60 miles out from Burlington. She herself being in feeble health, and without means, was compelled to return home, a free pass having been furnished her by the railroad officials. The soldier has not been heard from since.

The evidence further shows that the relations existing between the soldier and the claimant were pleasant and happy, and that his only reason for leaving home was that he might be enabled to earn a support for his family in the best manner possible.

The Pension Office declines to take favorable action in the case until date and cause of the soldier's death shall have been shown. This would seem impossible under the circumstances.

There is but little if any doubt in the minds of your committee that the soldier died, shortly after leaving home in the summer of 1866, among strangers, from disease contracted while a prisoner of war, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY POWELL.

The next business on the Private Calendar was the bill (H. R. 3224) granting a pension to Sally Powell.

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 Sally Powell, widow of James W. Powell, deceased, late of Company G, Seventh Regiment of Illinois Cavalry Volunteers, at the rate of \$12 per month.

The report (by Mr. WILLIAMS, of Illinois) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3224) granting a pension to Sally Powell, submit the following report:

The soldier enlisted August 20, 1861, and was discharged March 17, 1862, and

died July 30, 1877. The claim was rejected in the Pension Department on the ground that the soldier's fatal disease, phthisis pulmonalis, existed prior to enlistment. It is in evidence both by medical and lay testimony that this soldier was a sound and healthy man when he entered the Army, and when he returned from the Army he had lung trouble.

Dr. William D. Tanner testifies in the record that he knew the soldier for a long time prior to his enlistment, and that he was a sound, healthy man and had no lung disease, and that he knew his father, and that he had no lung disease of any kind.

The testimony in this case is quite voluminous, all of which the committee have carefully considered, and it is the conclusion of the committee in this case that the soldier's death was due to his army service, and the committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIUS J. WILEY.

The next business on the Private Calendar was the bill (H. R. 7076) to increase the pension of Cornelius J. Wiley.

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 upon the pension-roll the name of Cornelius J. Wiley, of Macomb, Ill., late a private in Company D, of the Sixty-fourth Regiment of Illinois Infantry Volunteers, and pay him a pension at the rate of \$30 per month, in lieu of the pension now received by him.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7076) increasing the pension of Cornelius J. Wiley, submit the following report: This claimant made application for pension to the Commissioner upon the grounds of chronic diarrhoea and deafness. The claim for chronic diarrhoea was allowed at \$4, and that for deafness was disallowed.

The ground for disallowance was that the proof did not with sufficient clearness show that his deafness was contracted in the service. The facts are that the claimant himself did not discover his deafness until a few weeks after his discharge. He then observed that in conversation he kept turning his right ear to the person addressing him. He then tested his ears by stopping one and then the other and discovered that both ears were affected, but the left ear more seriously; and then, as is usual with persons under such circumstances, recalled many incidents during his service where he had failed to hear orders and remarks when his comrades had heard them.

The claimant was sound in health and nowise affected with deafness when he entered the service. One of his comrades testifies that he noticed the claimant's deafness while he was with him in the service. Many witnesses testify as to his deafness soon after his discharge and all concur, including the examining surgeons, that his deafness is now almost absolute; he has to use an ear trumpet, and then hears with great difficulty.

Your committee believe that the disability is the result of his service, that it is a meritorious case, and they recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM F. REED.

The next business on the Private Calendar was the bill (H. R. 6606) granting a pension to William F. Reed.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William F. Reed, late of Company K, Thirty-fifth Regiment Kentucky Mounted Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6606) granting a pension to William F. Reed, submit the following report:

The soldier in this case enlisted July 25, 1863, and was discharged December 29, 1864. The basis of the claim is gunshot wound in the right foot. The claim was rejected in the Pension Department on the ground that there is no record of the wound, and the claimant's inability to show that said injury was incurred in line of duty and while in the service.

The claimant testifies that he was not treated in the hospital, but was by Drs. Stonly and Yost, and that his captain and lieutenant are dead. He further testifies that he received the injury on the 21st day of November, 1864, by a shot from the woods, while he was going to his home on a furlough, near Lexington, Ky. There seems to be no dispute about this fact. Lieut. Col. E. R. Weir, jr., testifies that the regiment was furloughed at Lexington, Ky., to go home for twenty or thirty days, and that when this soldier was going home it was reported to said officer that this soldier was shot in the foot, and affiant saw fresh blood on the soldier's boot.

G. B. Reed, a comrade, swears that he was with the soldier when he was shot in the foot, and that the soldier was taken to a house near Greenville, Ky., where he remained until he was discharged. W. H. Putnam, another comrade, testifies to about the same facts.

Dr. W. H. Yost testifies that he treated the soldier for this injury. The board of examining surgeons find that the soldier's injury is total, incapacitating him from performing manual labor.

The committee are of opinion that the injury was received in line of duty and now entitles the soldier to a pension. We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTOPHER C. FUNK.

The next business on the Private Calendar was the bill (H. R. 7958) granting a pension to Christopher C. Funk.

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 Christopher C. Funk, late of Company D, One hundred and thirty-fifth Regiment of Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7958) granting a pension to Christopher C. Funk, submit the following report:

This soldier enlisted April 25, 1864, and was discharged September 15, 1864. The basis of his claim is deafness, caused by being knocked down from concussion of a battery. The claim was rejected in the Pension Office on the ground that the injury was not of a ratable degree.

The claimant testifies to his disability, and the same was incurred in the service and in line of duty, and has continued to the present time. Thomas H. Dobbs, the captain of the company, swears in the record that on the 1st day of September, 1864, the soldier was injured in his hearing by being knocked down by the concussion of the firing of batteries, the battery being on an elevated piece of ground, and the said soldier being under the battery when the firing commenced, and that the soldier complained of deafness from that time until he was mustered out. The testimony is also to the effect that there was another eye-witness to the transaction, but that he died several years ago.

Dr. J. N. Graves, of Effingham, Ill., testifies that in the fall of 1865 he treated the soldier for deafness contracted in the Army, and that the same has grown more serious all the time up to 1887.

William Elston and Wesley Y. Stevenson testify that for twenty years they have known the soldier, and that he has been suffering from deafness.

Dr. W. W. Duncan, of Effingham, Ill., swears that he has examined the soldier's ears, and he says that the deafness is incurable, and he thinks the disease will grow worse from year to year.

The board of examining surgeons rate the disability at fifteen-thirtieths. There is a great deal of other testimony in the record, all tending to show that this soldier was injured in the service and in line of duty, and that his injury is of a pensionable degree, and we therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM R. AREY.

The next business on the Private Calendar was the bill (H. R. 7330) granting a pension to William R. Avey.

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 law, the name of William R. Avey, late an acting ensign on the United States steam-ship Mahaska, and to pay him a pension from and after the passage of this act.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7330) granting a pension to William R. Avey, submit the following report:

The claimant was appointed acting ensign U. S. S. Mahaska in United States Navy, September 7, 1864, and resigned April 21, 1865. The basis of the claim is rupture above the navel, incurred while serving on the Mahaska. The claim was rejected in the Pension Department on the ground that there is no record of the alleged hernia, and the complainant is unable to prove the incurrence of the same as required by the rules of the Department.

The complainant swears that he incurred a rupture by falling down a hatch-way on the steamer Mahaska, and that he did not know that his injury at the time was rupture and did not know of it for some days afterwards, when he showed it to Commander Gibson, now deceased, who told him it was rupture, and told him to wear a bandage over it, and that he followed this direction, and that his resignation was accepted soon thereafter, and that he was not treated in the service for this reason, and did not show it to any person but the commander of the boat. The soldier was sound when he entered the service, and it is shown by the record that he was suffering from rupture when discharged, as that was enumerated among the causes of his discharge, and that it has since grown worse.

Dr. John Horner testifies that he saw the claimant at the time after his discharge and found him suffering with umbilical hernia, and ordered him to use a truss. He states that the soldier then told him that he incurred the rupture by making a misstep and falling while on duty.

The committee find there is no denial of these facts in the record; the committee assume the facts proven to be true. The claimant is now nearly seventy years of age, is poor, and is now in the Soldiers' and Sailors' Home, and the committee, in view of all the facts of this case, report said bill back with a favorable report, and that said bill be amended by striking out of the bill and title the word "Avey" and inserting in lieu thereof the word "Arey," and as amended that the same do pass.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WARNER M. ELLIS.

The next business on the Private Calendar was the bill (H. R. 7659) granting a pension to Warner M. Ellis.

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 Warner M. Ellis, son of William Ellis, late of Company I, One hundred and thirty-first Regiment Illinois Volunteer Infantry, at the rate of \$18 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7659) granting a pension to Warner M. Ellis, submit the following report:

The evidence shows that the claimant, Warner M. Ellis, has been a cripple ever since he was two years old; the muscles of his lower limbs are undeveloped on account of an attack of fever while a child, and he is now totally disabled from performing manual labor; has no property of any kind, no means of support, and no relatives able to support him, his mother being an invalid and has no property; that William Ellis, the father of the claimant, was a member of Company I, One hundred and thirty-first Regiment of Illinois, in the war of the rebellion, and while in line of duty, about the 22d day of July, 1863, in the State of Mississippi, died of disease; that the mother of the claimant and widow of soldier is drawing a pension of \$12 per month on account of the death of her husband.

Your committee therefore report back the bill and recommend that the claimant, Warner M. Ellis, be placed upon the pension-rolls at the rate of \$6 per month, and that said bill be amended by striking out the word "eighteen" in the seventh line, and inserting in lieu thereof the word "six," and after the word "laws" in the eighth line adding the following: "And after the death of mother that then the pension of this claimant shall be \$18 per month;" and that the bill as so amended do pass.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRISON TRYON.

The next business on the Private Calendar was the bill (H. R. 5719) for the relief of Harrison Tryon.

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 Harrison Tryson, late a member of Company F, Twenty-fifth Indiana Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5719) granting a pension to Harrison Tryson, submit the following report:

The soldier enlisted August 19, 1861, and was discharged because of his disability January 16, 1862.

The basis of this claim was rupture while on the march from Georgetown, Mo., in February, 1862. The claim was rejected in the Pension Department, on the ground that the injury existed prior to enlistment.

The committee, from a careful examination of the record, are unable to arrive at that conclusion. The claimant, as well as the captain of the company, swears that the rupture in question occurred in the service and in the line of duty. The examining surgeon states that the soldier has hernia of both sides. There are other witnesses who testify to soundness of soldier when he entered the service, and it is hard to believe that this man would be accepted as a soldier with a double hernia.

The committee accept the testimony of the captain of the company and the soldier as to prior soundness of the complainant, and recommend that this bill do pass.

Mr. WILLIAMS, of Illinois. I move to substitute the word "Tryon" for "Tryson." There should be no "s" in the name.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM EDWARDS.

The next business on the Private Calendar was the bill (H. R. 4534) granting a pension to William Edwards.

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 the name of William Edwards, late of Company K, Sixty-third Illinois Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4534) granting a pension to William Edwards, would beg leave to report as follows:

The claimant, William Edwards, was a member of Company K, Sixty-third Illinois Volunteer Infantry. He enlisted in December, 1861, and was discharged from the service in 1865. He was wounded in the right leg between the knee and ankle, and also in the left leg and ankle. Rejected in the Pension Office because there was no hospital record and claimant was unable to furnish the necessary testimony of comrades.

The claimant is a very ignorant man, can neither read nor write, and his memory is impaired so that he is able to fix dates and circumstances but very indefinitely. There is no doubt, however, that his wounds were received in the service. He has no hospital record, and the comrades who could testify to his wounds are dead. He can only remember the names of such as knew him and that he was acquainted with before he went into service. His medical examination shows that he is two-thirds disabled, and that he is entitled to tenth-eighths rating of third grade for disability, caused by gunshot wound which was incurred in line of duty while in the service, and he was a sound man when he entered the service.

The examination shows further that the muscles are contracted and adhered to the bones, impairing their action so that heel can not be put to ground by three-fourths of an inch. He has recently lost his wife and is left with six small children dependent on him for support, and not being able to labor much he has had to depend upon charity for much of his support and a part of the time he has been a public charge.

Your committee would therefore recommend that the bill do pass with the following amendment: Strike out the letter "R" in fifth line and insert the letter "K," so as to read "Company K."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. ABBOTT.

The next business on the Private Calendar was the bill (S. 1371) granting a pension to John C. Abbott.

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 C. Abbott, late a private of Company B, Second Illinois Artillery.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1371) granting a pension to John C. Abbott, submit the following report:

The committee have considered this case and adopt the report of the Senate Committee on Pensions rendered in this case as their report, which report is as follows:

SENATE REPORT.

This case was examined and favorably reported by the committee at the last session. An application for pension based on hernia, fever-sore of arm, and disease of the lungs was rejected at the bureau. The claimant was a private of Company B, Second Illinois Artillery, and served three years.

The committee, on a reconsideration of the case, affirm the opinion, heretofore expressed, that hernia of the right side, a broken nose, and lung disease were either all incurred in the service or are fairly traceable thereto, and that they affect the claimant to a pensionable degree; and they again favorably report the bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. STEWART.

The next business on the Private Calendar was the bill (S. 338) granting a pension to Sarah E. Stewart.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Stewart, widow of William G. Stewart, deceased, late captain Company D, Sixtieth Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 338) granting a pension to Sarah E. Stewart, submit the following report:

The committee have considered this case, and adopt the report of the Senate Pension Committee as their report in this case, which report is in the words and figures as follows:

REPORT.

Claimant is the widow of William G. Stewart, late a captain in Company D, Sixteenth Illinois Volunteer Infantry, who served from January 1, 1862, to June 9, 1865.

The records of the War Department show that soldier contracted icterus, dyspepsia, remittent fever, and diarrhea in the service.

In affidavit filed April 12, 1888, Harriet Brown, of Marlow, Ill., testifies that soldier was suffering from severe disability at the date of his return from the service; that the said disability developed into a carbuncle upon soldier's neck, causing his death a few months thereafter. This testimony is corroborated by that of William C. Patterson, of Telford, Ill., and Alice Rathfan, of Mount Vernon, Ill.

In affidavit filed February 11, 1888, Dr. Willis Duff Green, of Mount Vernon, Ill., testifies that soldier's death was caused by a carbuncle upon his neck; that affiant is of the opinion that antecedent to the proper attack of carbuncle the soldier suffered from an impaired state of health, attended with depraved condition of his blood system from causes acting upon him during his service in the Army.

Soldier was mustered out of the service in June, 1865, and died in February, 1866, of carbuncle, which developed, at the farthest, only a few months after the date of his discharge from the service. The disabilities under which soldier was suffering at the date of his discharge show that he must have been in a feeble condition when attacked by carbuncle, and that his system was so debilitated in consequence of diseases of record that he was not able to sustain the additional drain upon it by reason of the carbuncle.

The cause of the soldier's death seems to be traceable to army origin; and the widow is in needy circumstances, as is shown by her appeal to the honorable Secretary of the Interior.

The facts seem to warrant favorable action, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLA HARBISON.

The next business on the Private Calendar was the bill (H. R. 6622) granting a pension to Ella Harbison.

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 Ella Harbison, widow of William M. J. Harbison, late of Company B, Fortieth Pennsylvania Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6622) granting a pension to Ella Harbison, submit the following report:

Ella Harbison is the widow of William M. J. Harbison, who served in Company B, Eleventh Pennsylvania Reserve Volunteers, from June, 1861, to June 13, 1864, and who received a severe gunshot wound of the middle part of upper third of right thigh at the battle of the Wilderness, May 5, 1864, for which he was pensioned at the rate of \$8 per month.

He died July 3, 1886, of cerebral embolism and resulting hemiplegia, alleged by his widow to have been caused by the wound for which pensioned.

In support of her allegations Mrs. Harbison filed medical testimony showing that upon his return from the Army her husband suffered continuously from pain in his leg called by medical authors "hyperesthesia," and that abscesses often formed about the wounded leg.

Dr. Goodwin, of Rockford, Ill., an eminent physician and late surgeon of the One hundred and eighth Illinois Volunteers, testified that he treated soldier since 1876; found his leg at that time smaller than its fellow and covered with abscesses and sores, and that he was often called upon to open such abscesses. He further states that on June 9, 1886, he was called upon to see the soldier; found him in an aphasic condition and with a partial hemiplegia, and that he died July 3, 1886, in a comatose state.

That he regarded the cause of death as arising from long continuance of ill health of a degenerative nature, a dyscrasia and impaired nutrition of the blood-vessels in the leg about the wound, together with abscesses furnishing to the nervous system a poison and degenerating influence upon the organs resulting in a feeble circulation and insufficient support to the brain, etc., thus causing an embolism, degeneration, and death.

The Pension Office, however, rejected the claim, not admitting that the cause of death was due to the gunshot wound for which pensioned.

Dr. Goodwin's theory, however, seems to be corroborated by the certificate of examination on file in Mr. Harbison's case, as the one of November 24, 1864, shows:

"Wound not yet healed, gangrene having supervened, destroying a considerable portion of the surrounding muscles, thereby inducing debility."

The examination of July 8, 1871, also shows that there is—

"A cicatrix 4 or 5 inches in diameter which remains tender, and which broke out last summer and discharged for more than a month."

The certificate of 1877 states:

"The limb is weak and subject to pain; cicatrix tender; general appearance rather feeble."

In the certificate of December, 1880, the last one on file in the Pension Office, the board of Government surgeons state:

"There was extensive gangrene, the cicatrix being larger than the hand; general appearance of the man is feeble; he complains very much of hyperesthesia of the surface of the cicatrix, the friction of the cloths producing pain."

These descriptions of the soldier's condition arising from the wound would seem to be sufficient to indicate very strongly that Dr. Goodwin's diagnosis, based upon a ten years' attendance upon the soldier, was a correct and proper one, and there is no doubt in the mind of your committee that Mr. Harbison's death was directly traceable to the wound of service, and your committee return the bill with the recommendation that it pass, amended, however, by striking out all after the letter "B," in line 7, and inserting therein instead the words "Eleventh Pennsylvania Reserve Volunteers."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET A. JACOBY.

The next business on the Private Calendar was the bill (H. R. 6391) granting a pension to Mrs. Margaret A. Jacoby.

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. Margaret A. Jacoby, widow of Sanford Jacoby, late of Company F, Seventieth New York Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6391) granting a pension to Margaret A. Jacoby, submit the following report:

That a similar bill passed both Houses of the Forty-ninth Congress, but was vetoed by the President.

Your committee annex and approve the report of this committee of that Congress.

[House Report No. 896, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5201) granting a pension to Mrs. Margaret A. Jacoby, submit the following report:

That Sanford Jacoby, the husband of the claimant, enlisted April 20, 1861, in Company F, Seventieth Regiment New York Volunteers, and was discharged July 1, 1864. The soldier's claim for pension was submitted for admission December 1, 1884, and approved for total deafness and chronic diarrhea, granting him a pension for \$5 per month, commencing July 1, 1864, and ending September 7, 1875, date of soldier's disappearance. The widow's application was filed July 17, 1885, and rejected by the Department August 6, 1885, upon the ground that fact, date, and cause of soldier's death was not shown, and inability of applicant to furnish the necessary proof.

The basis of the claim is that while the soldier was engaged in the battle of Gettysburg, Pa., July 2, 1863, by reason of concussion from discharge of artillery, he was rendered almost totally deaf, and also contracted chronic diarrhea, by reason of which he was totally disabled for military duty; that he never recovered, but has been totally deaf in right ear ever since, and afflicted with chronic diarrhea.

Claimant testifies that when her husband returned from the Army in 1864 he was suffering from chronic diarrhea and deafness contracted while in the service; that while residing with deponent at Greene, Chenango County, New York, on or about the 7th day of September, 1875, he left and has never been heard from since; that she made diligent search and inquiry for him and that she has been unable to ascertain or learn anything about him, and that she verily believes he is now deceased; that he had been sick for a week before he left and had done no work; that he was despondent by reason of his said disabilities and did not seem to be in his right mind; that he was not then able to support deponent, and that she has not received any support from him since.

Dr. Charles M. Lawrence, of Port Jervis, N. Y., testifies that he treated soldier upon his discharge and return from the Army for chronic diarrhea and deafness, and has treated him at frequent intervals for said disabilities up to 1873, when he removed to Greene, Chenango County, New York, and that said diseases were likely to prove fatal.

Dr. Marcus M. Wood, of Greene, Chenango County, New York, testifies that he treated soldier for deafness and chronic diarrhea at intervals from 1873 to 1875, and that the diarrhea laid him up about half the time until the summer of 1875, when he left town. He was then suffering from both of those disabilities, which probably have proven fatal before this date (August 20, 1885). Have no doubt that his complaints were caused by exposure while in the service.

Jane Brown testifies that she is a sister of soldier's wife; has always lived near her said sister during her residence at Port Jervis, N. Y., which has been continuous since her marriage, except for six or seven years, when she lived at Greene, Chenango County, N. Y., during which time she was deserted by her husband, and since that time her sister has resided at Port Jervis, N. Y.

Adela Cunningham, Murates Beach, Henry P. Bates, and Lucius P. Clark all testify that the said Sanford Jacoby disappeared in 1875, and have never seen him since.

The decision of the Secretary of the Interior regarding the presumption of death is as follows:

"That cases arise in which it is impossible to obtain positive proof of the soldier's death, but the presumption of his death from causes connected with the service is so strong as to justify the allowance of a claim for pension made on behalf of his widow, children, or dependent relatives.

"The presumption of common law is that a person who has been absent and not been heard from for seven years is dead. The presumption may properly be accepted under the pension law, and if, when last heard from, soldier was suffering from serious disease contracted or injury received in the line of duty in the service, it may be presumed that his death occurred from such cause if there is nothing in the circumstances to rebut such presumption."

Your committee are of the belief that the proofs, with the fact that the soldier has not been paid his pension since the date of his disappearance, justify the presumption that the soldier is dead, and that his death was the result of disease contracted while in service in the line of duty, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN S. LOZIER.

The next business on the Private Calendar was the bill (H. R. 6211) granting a pension to John S. Lozier.

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 S. Lozier, late a private of Company J, Eighty-sixth Ohio Volunteers, and allow him a pension at the rate of \$12 per month from the date of filing his claim in the Pension Office.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6211) granting a pension to John S. Lozier, have had the same under consideration, and beg to submit the following report:

The facts in the case are as follows: Claimant enlisted June 22, 1863, as a private in Company J, Eighty-sixth Ohio Volunteers, and was mustered out and granted an honorable discharge on the 10th day of February, 1864. He re-enlisted in the service May 2, 1864, as a private in Company C, One hundred and sixty-fourth Ohio, and was mustered out and granted an honorable discharge on the 27th day of August, 1864. He filed a claim for pension on the 12th day of April, 1886, alleging, as a cause, rheumatism, resulting from exposure and fever contracted while a member of the Eighty-sixth Regiment, while in the line of duty near Cumberland Gap, Kentucky.

The evidence shows that claimant was sound and well when he entered the service, and was a good soldier; that, in 1863, he was taken sick at Cumberland Gap, Kentucky, with fever, complained of rheumatism, became unfit for duty, and was sent back to Camp Nelson, Kentucky; that when he was discharged and sent home, he was suffering with rheumatism, and has been afflicted with it at intervals ever since; that between 1876 and 1885, he had several very severe attacks, which caused fever, swelling of limbs and feet, and that, by reason thereof, he became very much emaciated. The claimant swears, in his declaration, that he was treated in the hospital at Camp Nelson for rheumatism. The records of the hospital show that he was treated for fever and pneumonia.

The Commissioner of Pensions, by reason of the fact that his hospital record only shows treatment for fever and pneumonia, and not for rheumatism, holds that it is not sufficiently shown by the evidence that claimant contracted his disease in the service in the line of duty, and therefore, on the 28th of October, 1889, rejected his claim.

The committee, however, after taking into consideration all the evidence, believe that it fairly shows that claimant contracted his disability while in the service in the line of duty, and that he is entitled to a pension, and we therefore respectfully recommend the passage of the bill.

Mr. MORRILL. Is there any amendment to that?

The CHAIRMAN. There is none, the Chair is informed.

Mr. MORRILL. Then I move to amend by striking out the words "from the date of filing his claim in the Pension Office."

The motion was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LORENZO D. WHITEFORD.

The next business on the Private Calendar was the bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford.

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 and provisions of the pension laws, the name of Lorenzo D. Whiteford, son of John Whiteford, late a private in Company K, Twenty-sixth Regiment Indiana Volunteers, and to pay him a pension of \$12 per month from and after the day on which the pension now granted to him shall expire by limitation of law.

Mr. BRECKINRIDGE, of Kentucky. Let the report be read in that case. It seems to be a peculiar case.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford, submit the following report:

Lorenzo D. Whiteford, the applicant, will be sixteen years of age on June 27, 1891, and is the son of one William J. Whiteford, deceased, who enlisted August 30, 1861, as a private in Company K, Twenty-sixth Indiana Volunteers, and was mustered into service on that day, re-enlisting as a veteran volunteer on February 1, 1864, and served until discharged, January 15, 1866.

During his military service he was wounded in battle and contracted catarrh and lung trouble, which resulted in his death February 2, 1877, leaving a widow, who has since remarried, and three children, of whom the applicant is the youngest. A pension was granted to the children on account of the father's said service and death, commencing the day after their mother's remarriage, which will expire June 27, 1891, the number of the certificate being 184396.

In support of the application for the passage of this bill (H. R. 4167) there are on file with this committee the affidavits of the applicant's mother, his guardian, two neighbors, and two physicians, all shown to be reputable and truthful people, and whose testimony establishes that the mother has no means to support applicant; that he has no means of support except what he receives from said pension and his mother, and that the applicant is, for more than ten years last past has been, and always will be a helpless, continuous cripple, utterly dependent upon others almost to the extent a babe would be, all of which is the result of spinal fever.

The particular deformity of spine, caries of bone, contraction of chest, and general emaciation and helplessness are specifically set out in the testimony of said physicians, who have attended upon and examined him, and the testimony of applicant to be not only now totally disabled, but that he can never be cured nor bettered.

Mr. BRECKINRIDGE, of Kentucky. I will ask the chairman of the committee if that is a common case.

Mr. MORRILL. The only thing out of the usual course is that the boy has not yet arrived at the age of sixteen.

Mr. BRECKINRIDGE, of Kentucky. Is it the habit of the Committee on Invalid Pensions to recommend putting upon the pension-list not merely soldiers, but also any children they may leave who are unable to help themselves? Is it the rule of the committee to burden the pension-list with cases of this kind?

Mr. MORRILL. This is a case of utter helplessness. It is a very common thing, where it is shown that the father died from the effects of injuries incurred in the service and the child is a cripple, or an idiot, or disabled in any such way, to put that child upon the pension-roll. I suppose forty or fifty such cases have been passed within the last five years.

Mr. BRECKINRIDGE, of Kentucky. And I suppose that every additional case will be taken to be an additional reason why the United States should relieve the particular State or county or municipality of the support of such persons, a burden which would naturally fall upon them under our system. Now, if I understand this case, it is one appealing to the charity and kind feeling of all good people. Here is a boy of sixteen who is a helpless cripple; but I suppose that in America there are a great many thousand such cases, and my inquiry is, upon what general principle can the placing of such cases upon the pension-roll be defended except upon the ground that the United States is an eleemosynary institution? Upon what general ground can such a precedent as this be defended, relieving the municipality or the locality of this burden which would naturally belong to it and giving that relief under the form of a pension law?

Mr. MORRILL. It is on the theory that the father gave his life to

his country, and that if he had lived he would have taken care of the child.

Mr. BRECKINRIDGE, of Kentucky. But this is a case where the child was born long after the war—eight or ten years after the war.

Mr. MORRILL. But some time before the father died.

Mr. BRECKINRIDGE, of Kentucky. Of course, or soon afterward. I do not intend to resist the passage of the bill. I am willing to let the responsibility rest with the House. But is it a good precedent? Every time you pass such a bill do you not bring the pension system more and more under criticism and make it more and more indefensible?

Mr. MORRILL. The principle has been so well established that the committee has accepted it not only as a precedent for the committee, but also as a precedent for the action of the House.

Mr. BOUTELLE. If the gentleman will permit a suggestion, I do not know anything about this particular case, but I think I have gathered the gist of the gentleman's inquiry, and I will state what I apprehend to be the principle upon which cases of this class rest. The placing of this exceptional class of cases upon the pension-roll is based, I believe, upon the ground of continuing infancy. The general pension law grants a pension to minor children.

That is an established rule of the pension law, and in some cases where by reason of a condition of insanity, or a condition of aggravated mutilation, or deformity, or imbecility, a practical condition of infancy continues, the pension is continued the same as it would be continued to a widow or a dependent parent. That, as I understand, is the principle upon which in certain cases the pension is continued to the child beyond the age of sixteen.

Mr. BRECKINRIDGE, of Kentucky. I have been present on one or two occasions when such cases have passed the House, but have hesitated to say anything about them because it is always an ungracious thing to speak against the outflow of charity or humanity. But it should be remembered that this outflow of charity does not come from our pockets, except in a very small degree, and every precedent of this kind that we establish, especially with so careful a chairman of the Committee on Invalid Pensions as we have now, adds to the danger of unwise legislation and tends to bring the pension system into disrepute.

Mr. BOUTELLE. I would add, to what I have already said, that the provision of the general pension law that the pension to a child shall cease at the age of sixteen is based upon the presumption that at that age the child will be able to take care of itself; but in these cases where there is an absolute inability on the part of the child to support itself the presumption fails, and the pension is continued beyond that age.

Mr. MORRILL. I wish to say further that the practice has been so well recognized that the Senate have passed a general bill providing for cases of this kind. That bill has not yet passed the House; it is in the committee of conference.

Mr. BRECKINRIDGE, of Kentucky. Of course we all know that after a certain number of precedents are established they are likely to be followed. The first case is somewhat tentative; the second comes a little more under the idea that there is a precedent for it, and so on, until we get rid of our sense of duty about the matter by making a general law on the subject and throwing the responsibility of the execution of that law upon the bureau.

This simply means that in our progress in pension legislation we have come to a point where we undertake to relieve the particular locality in each case of this kind from the duty which would be imposed upon it under our system of government, a duty which always carries with it supervision. A fundamental principle of good government is that burdens shall, as far as possible, be thrown upon the persons in the locality where they arise, because that necessarily carries with it local supervision, and the people of any locality will not undertake the burden unless there is a good reason for it.

Therefore, the farther from the locality you remove the duty of providing for such cases, the more you take away the opportunity for ascertaining the facts in the case.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH M. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 7367) for the relief of Sarah M. Williams.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah M. Williams, widow of Jackson Woods, who was a lieutenant in Company H, Eighty-second Regiment of Indiana Volunteer Infantry, and that he pay her the sum of \$17 per month.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7367) for the relief of Sarah M. Williams, submit the following report:

Mrs. Williams is the former widow of Jackson Woods, who served as first lieutenant of Company H, Eighty-second Indiana Volunteers, from August 9, 1862, to September 20, 1863, when captured by the Confederate forces at the battle of Chickamauga, Ga., and who died in rebel prison at Macon, Ga., May 24, 1864. She was pensioned under the general law up to date of her remarriage on March 4, 1868, and the four minor children of the officer were thereupon pen-

sioned up to August 3, 1876, when the youngest child became sixteen years of age.

Her second husband died June 24, 1882, leaving her in destitute circumstances, advanced in years, and compelled to ask charity from friends and neighbors besides suffering in February of this year the loss of some of her goods by a fire which broke out in a house in which she lived.

The case comes strictly within a long-established practice of the House, and therefore your committee returns the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER G. DAVIS.

The next business on the Private Calendar was the bill (H. R. 6913) granting a pension to Alexander G. 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 upon the pension-roll the name of Alexander G. Davis, of Mount Airy, Md., late scout and guide with Generals Howard and Augur, and pay him a pension at the rate of \$25 per month.

Mr. GROSVENOR. Mr. Chairman, I believe I will do in this what I have never done before in a pension case, ask for the reading of the report.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6913) granting a pension to Alexander G. Davis, submit the following report:

Alexander G. Davis, at the breaking out of the late war, was a citizen of Virginia. He was a man of means and good health and strength, and much devoted to the cause of the Union. Early in 1862, furnishing his own arms and equipments, he entered the service of the United States as a guide and scout, and continued in that service until the close of the war. He participated in the principal battles of the Army of the Potomac, and rendered valuable services for Generals Geary, Schimmelfennig, Stohl, Heintzelman, Schurz, Howard, Augur, and Meade, as shown by the testimonials on file.

While watching the movements of the enemy immediately after the battle of Gettysburg, by reason of the sudden fright of his horse over a large cloud of dust caused by the firing of a solid shot, he became ruptured. About the time of the fighting in the Wilderness, being under orders to proceed in the direction of the Rappahannock River, he met up with some of Mosby's men, and received a severe wound of the head.

General Augur, under date February 4, 1890, says:

"He was a most useful and reliable man. \* \* \* He was wounded in line of his duty, and is, it seems to me, deserving of great consideration from the Government for his loyalty and devotion to its interest at that time."

General O. O. Howard, in letter to the Secretary of War, dated May 10, 1889, says:

"Perhaps no man suffered more in person and property and lived, than Mr. Davis. \* \* \* I know him personally and I commend to you his two requests for such consideration as can be given him:

"1. That he may be commended to Congress in some proper way so that he can legally receive a pension for the few remaining years of his life, for he is now an old man.

"2. That his application in behalf of his son's appointment to West Point or into the Army receive a kind consideration."

It would seem but proper, following a long line of precedents, that the relief asked for should be granted. Therefore your committee report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ERNST BARTH.

The next business on the Private Calendar was the bill (H. R. 5014) for the relief of Ernst Barth.

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 cause to be placed on the pension-roll of the United States, subject to the provisions and limitations thereof, the name of Ernst Barth, late private Company C, of the Sixty-eighth New York Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5014) for the relief of Ernst Barth, submit the following report:

Mr. Barth served in Company C, Sixty-eighth New York Volunteers, from July 31, 1861, to August 18, 1864, when honorably discharged. The War Department records show him admitted to hospital at Clarysville and Cumberland, Md., May 29, 1862, for treatment for chronic rheumatism, and returned to duty to be mustered out August 15, 1862, but instead of being so mustered out he remained on duty as a nurse in said hospital for some time, and was mustered out as above stated.

He filed a claim for pension on May 22, 1879, based upon double rupture received while attempting to move a cooking stove while a nurse in the hospital aforesaid, which claim was rejected by the Pension Office on the ground of his inability to furnish evidence from parties having personal knowledge that his injuries were received in the manner and under the circumstances alleged by him.

He filed in Pension Office proof of his soundness at enlistment, testimony of a nurse in the aforesaid hospital as to the fact of his being treated there for hernia, and that of Dr. Ohr, in charge of said hospital, as to treatment, but nature of disability not remembered, and medical evidence showing existence of a double hernia and treatment therefor in 1870.

He also fully explained that owing to his being separated from his command and but accidentally meeting with others whose acquaintance continued only for a short time, he could not furnish the testimony of eye-witnesses as required by the Pension Office.

Owing to this double hernia Mr. Barth has for years been compelled to abandon his trade of a mechanic and had to take up lighter employment, such as janitor of a school or church.

With the presumption of prior soundness and the evidence of existence of the disability claimed, after considerable service, in the absence of any adverse features in the case, your committee are inclined to solve whatever doubts there may exist in favor of the claimant, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET TOLE.

The next business on the Private Calendar was the bill (H. R. 2481) granting a pension to Bridget Tole.

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 Bridget Tole on the pension-roll, subject to the pension laws of the United States, she being the widow of William Tole, who served in the late war in Company F, Fourth United States Infantry, and Company C, Forty-fifth United States Infantry.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2481) granting a pension to Bridget Tole, submit the following report:

Mrs. Bridget Tole is the widow of William Tole, who served in Company H, Seventeenth Wisconsin Volunteers, from August 22, 1862, to June 2, 1865; also in Company F, Fourth United States Infantry, and Company C, Forty-fifth United States Infantry, from April 20, 1867, to November 16, 1868.

The records of the War Department show him under treatment at various times between August, 1864, and March, 1868, on account of erysipelas, abscess, cold, incised wound, catarrh, fever, and otorrhoea, and he was discharged November 16, 1868, on surgeon's certificate of disability by reason of "chronic pneumonia and general unfitness for military duty. He often has attacks of difficult breathing which paralyze his powers of exertion. His disease originated from exposure while on duty under General Sherman."

He filed a claim in the Pension Office in December, 1875, on account of catarrh, rheumatism, and general debility, contracted while acting as escort on the stage route from Fort Sedgwick to Fort Randall, in November, 1867, and that part of this claim relating to catarrh was allowed by the Pension Office in 1885. The claim on account of rheumatism was waived by him owing to his inability to file proofs as to its existence in the service.

He died December 4, 1885. On December 31, 1885, his widow filed a claim for pension, and in support thereof filed testimony of two of soldier's neighbors showing that on his return home from the Army and thereafter he suffered from rheumatism, and medical evidence as to treatment of soldier in 1873 and 1884 on account of rheumatism, also testimony of the physician who attended soldier in his last illness, showing that he died of paralysis of the right side of the body caused by a disease of the brain owing to catarrhal inflammation following an old chronic catarrh. The soldier was examined in July, 1884, and the board of examining surgeons found the heart's action feeble and weak, mitral regurgitation murmur, circulation feeble, capillaries engorged, soldier anemic and very nervous, due to the rheumatic trouble.

The Pension Office rejected the case upon the ground that there was no pathological connection between the catarrh and the paralysis, and the medical referee of said office believed that rheumatism was the remote cause of death.

Had Mrs. Tole furnished proof of existence of rheumatism in the service her claim would, according to the opinion of the medical referee, have to be allowed by the Pension Office.

In the opinion of your committee the record of the War Department and the surgeon's certificate of disability upon which the soldier was discharged are sufficient to show that Mrs. Tole's claim is a meritorious one, the heart trouble of soldier found on examination in 1884, and being then regarded by the surgeons as due to rheumatic diathesis, also having been shown to have existed at time of soldier's discharge, and the adoption of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA J. GLASS.

The next business on the Private Calendar was the bill (H. R. 4851) granting a pension to Eliza J. Glass.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Glass, widow of Randall S. Glass, late a private of Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4851) granting a pension to Eliza J. Glass, having had the same under consideration, submit the following report:

A similar bill was introduced in the Fiftieth Congress, and referred to the Committee on Invalid Pensions, which, after due consideration, reported the same back favorably. A copy of said report is filed herewith and adopted by the committee, and for the reasons therein stated your committee report this bill favorably, and recommend its passage.

[House Report No. 3424, Fiftieth Congress, first session.]

Soldier enlisted December 18, 1863, and was discharged April 27, 1864, on surgeon's certificate of disability, showing chronic hemorrhoids and rheumatism, both together producing lameness of back.

He filed a claim for pension December 24, 1879, alleging that on the 15th day of February, 1864, while drilling at Camp Cleveland, Ohio, he received an injury to his back by slipping and falling to the ground, from the effects of which he has never recovered. The claim was rejected on the ground that his disability existed prior to enlistment.

April 26, 1885, soldier died, and his widow filed her application December 3, 1885. The claim was also rejected on the ground that death cause, nervous prostration and spinal trouble, was not due to the service.

It appears from the evidence on file, and on which the rejection by the Pension Office is based, that at the time the soldier was discharged the captain of the company, John J. Manor, gave information to the surgeon of the regiment that the soldier had been injured prior to his enlistment by falling from a load of hay, injuring his spine. The surgeon thereupon indorsed soldier's discharge with the statement that soldier's disability was chronic and was not contracted in the military service.

Soldier, in support of his claim, furnishes the testimony of three comrades who were present when he received his injury, who saw him fall, who know of his sufferings, and his inability to perform military service up to the time of his discharge.

Dr. William Tripp, surgeon of soldier's regiment, in an affidavit admits having treated him for sprained back at the time, but says that as it was of recent occurrence and short standing he concluded it would get well quickly, and therefore did not include it as part of the cause of disability.

Dr. J. W. Falling testifies that he was soldier's physician previous to his enlistment, and that he was in good health and free from disability at that time. He also treated him immediately after discharge and up to 1881. He describes soldier's disability as rheumatism of the muscles of the back.

There is a mass of evidence establishing prior soundness. Seventeen of his neighbors who had known him intimately before the war, and who had seen and worked with him daily, testify to his having been a sound and healthy man, and free from any disability, and as many more testify that from his discharge up to his death he was in feeble health, physically weak, and unable to perform manual labor.

Your committee are of the opinion that the soldier's widow is clearly entitled

to a pension. The uncorroborated statement of the soldier's captain that the disability existed prior to enlistment is abundantly refuted by the testimony of seventeen neighbors and the family physician. His condition since his discharge showed continued suffering and increased disability up to his death, and his family physician testifies that the cause of death was due to spinal trouble caused by some violent injury long before the time the affiant became acquainted with him.

Your committee can not doubt that soldier's death was caused by the fall received while in the military service and in the line of duty. They therefore report the bill favorably, and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BELLE MORRISON.

The next business on the Private Calendar was the bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.

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 Belle Morrison, dependent sister of Thomas W. Morrison, late a private in Company I, Eighty-third Regiment of Indiana Volunteers, on the pension-roll, and grant her a pension at the rate of \$18 per month.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7529) granting a pension to Belle Morrison, submit the following report:

Your committee have had said bill under consideration and, from the evidence accompanying the bill and also from the papers in the pension granted Thomas W. Morrison, hereinafter mentioned, do find as follows: Applicant's three brothers enlisted in the Union Army in the war of 1861, of whom one, John, was killed at the battle of Springfield, Mo., on October 29, 1861; another, George, was killed at the battle of Stone River, Tennessee; and the third, Thomas W., a private in Company I, Eighty-third Indiana Volunteers, was wounded in his right leg July 28, 1864, which resulted in amputation thereof the next day, in line of duty, from the effects of which he died in February, 1876, being a pensioner by certificate No. 40032.

Said Thomas W. left no widow nor children, and his father was dead and he and his mother and applicant lived together as one family, having no means of subsistence except the proceeds of said pension, and also a pension which his mother was drawing under certificate No. 13892, on account of the death of her sons. We further find that applicant has been a helpless cripple, dependent on her mother and brothers for support, and having no means of her own ever since her infancy with a disease, deformity and curvature of the spine, which renders her a permanent cripple, wholly unable to work and dependent on the charity of strangers. We further find that her mother died February 26, 1878, thus leaving applicant without parents, brothers, or others to support her, and leaving her without any means whatever, and we recommend that the bill be passed and she granted a pension at the rate of \$18 dollars per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS M. HULL.

The next business on the Private Calendar was the bill (H. R. 1155) granting a pension to Francis M. Hull.

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 Francis M. Hull, late of Company I, Thirty-fifth Regiment Illinois Volunteers, and that he be pensioned from the date of his discharge in November, 1864, subject to the provisions and limitations of the general pension laws.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to which was referred House bill 1155, granting a pension to Francis M. Hull, reports as follows:

The report from the War Department shows that he was enrolled July 3, 1861, mustered out of the service of the United States September 27, 1864, and that he was in the action at Kennesaw Mountain, Georgia, on June 27, 1864. His case on file in the Pension Department was rejected on the ground that the claimant did not have sufficient evidence to establish rupture of left side in service and line of duty.

It seems to be proven with reasonable clearness that the injury was sustained while building breastworks during the battle of Kennesaw Mountain, while carrying logs with which to construct breastworks, and that said injury was sustained on the 27th of June, 1864.

The captain of his regiment, which was Company I, Thirty-fifth Illinois Infantry, Capt. Joseph Truax, testifies that—

"Francis M. Hull received an injury from which he was off duty for some days, and have all reason to believe that the injury caused the rupture. \* \* \*

"On our Atlanta campaign we did not have our books with us, and so we did not keep any correct record. When at Kennesaw Mountain I was ordered to build breastworks. Hull received an injury, if my memory serves me, in carrying a log or chunk. I did not see him hurt, although he told me of it and complained afterwards of it. While in service he was excused from duty more or less from the time of his injury until we were relieved."

Dr. John W. Newton testifies substantially as does Mr. Truax.

Dr. James M. Hull, father of claimant, testifies that when his son entered the service he was a sound and healthy man and that he came home ruptured in the left side, near the center of the abdomen.

Mr. H. Latourette, Francis W. Evans, and Charles E. Harden testify substantially to the same that Dr. Hull does.

Dr. George S. Jones testifies that he called to see Mr. Francis M. Hull in 1872. He says:

"His injury at that time was in the nature of a rupture of the abdominal wall to the left and above the center of the abdomen, there being a tumor in that locality about 1 inch in diameter.

"At the present time, November 6, 1886, the tumor has enlarged to three times its former size and is a source of much inconvenience and discomfort."

Dr. Jones's evidence is corroborated by the evidence of Dr. Marshall Pettitt, Samuel Martin, and John W. Patterson; and the claimant also testifies specifically to all the circumstances of this injury.

Mr. MORRILL. This bill should be amended by striking out that clause which grants arrears. I move to strike out the words, "and that he be pensioned from the date of his discharge in November, 1864."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS WARD.

The next business on the Private Calendar was the bill (H. R. 2469) increasing the pension of Thomas Ward.

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 Thomas Ward, late of Company B, Eighty-ninth Regiment Illinois Infantry Volunteers, to \$50 per month from and after the passage of this act (certificate No. 80593), in lieu of the pension now received by him.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2469) increasing the pension of Thomas Ward, submit the following report:

The pensioner had his left arm amputated by reason of a wound received in front of Atlanta, Ga., and was pensioned under the general law. On May 7, 1880, his pension was increased from \$24 to \$40 per month by virtue of a special act, he having shown to the satisfaction of the Committee on Invalid Pensions that he also contracted chronic diarrhea and resulting in disease of the liver while in the service, which had continued ever since, resulting in paralysis of the right side.

He has filed medical and lay testimony showing that his same condition exists at the present time and that he also suffers from lupus of the left ankle shown by his comrades to have originated while a member of the Veteran Reserve Corps, and that the combined disabilities necessitate the aid and attendance of another person to a considerable extent, although not constant.

The committee are of opinion that the small increase asked for should be granted, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. HUTCHISON.

The next business on the Private Calendar was the bill (H. R. 5108) for the relief of George W. Hutchison.

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 George W. Hutchison, a dependent son of John W. Hutchison, late a private of Company G, Twenty-seventh Indiana Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5108) for the relief of George W. Hutchison, submit the following report:

The proposed beneficiary is the imbecile son of John W. Hutchison, who enlisted in Company G, Twenty-seventh Regiment Indiana Volunteers, August 19, 1861, and was discharged upon surgeon's certificate of disability March 4, 1864, by reason of phthisis pulmonalis, hæmoptisis, and chronic diarræa. He applied for pension June 10, 1865, on account of diarræa, but his claim was rejected upon the report of an examining surgeon, made July 31, 1865, to the effect that soldier was as able to make a living as before entering the service.

He died in April, 1867, from chronic diarræa and general debility, as is clearly shown by the evidence filed with your committee. The wife of the soldier and mother of this beneficiary died October 29, 1864. It appears that no effort was made by the soldier or his pensionable heirs after the rejection of the claim, as heretofore stated, to correct the injustice done him by the examining surgeon.

The son is shown by the certificate of the clerk of the county in which he resides to be of unsound mind. He has no property, no income from any source, and is supported by a brother, who himself has a hard struggle in life.

The numerous precedents in similar cases warrant your committee in reporting favorably on the accompanying bill, and therefore return the same with the recommendation that it do pass, amended, however, by adding, after the word "volunteers," the words "and pay him through his legally constituted guardian a pension at the rate of \$18 per month."

The amendments reported by the committee were read, as follows:

In lines 6 and 7 strike out "Hutchison" and insert "Hutchison." At the end of the bill add "and pay him through his legally constituted guardian a pension at the rate of \$18 per month."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID L. TRUOX.

The next business on the Private Calendar was the bill (H. R. 5107) for the relief of David L. Truox.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David L. Truox, dependent son of John Truox, late a private in company D, Eighty-second Indiana Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5107) for the relief of David L. Truox, submit the following report:

The proposed beneficiary is the imbecile son of John Truox, deceased, late private in Company D, Eighty-second Regiment Indiana Volunteers. The father's death was the result of his service, and occurred while in the service at Murfreesborough, Tenn., of fever. This son was pensioned under the general law until he arrived at the age of sixteen years. He is a helpless cripple and a weak-minded person, the result of a spell of fever; is wholly incapacitated for mental or physical labor, and is a charge upon his brothers and sisters, who are all poor people. His mother is dead, and no other person is drawing a pension on account of this soldier's death.

The numerous precedents in similar cases warrant your committee in reporting favorably on the accompanying bill, and therefore return the same with the recommendation that it do pass, amended, however, by adding after the word "volunteers" the words "and pay him through his legally constituted guardian a pension at the rate of \$18 per month."

The amendment recommended by the committee in the concluding paragraph of the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE UHL.

The next business on the Private Calendar was the bill (H. R. 6089) granting an increase of pension to George Uhl.

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 George Uhl, Company H, Twentieth Indiana, on the pension-rolls of the United States, at a rating of \$72 per month. He is now borne on the rolls at \$45 per month by certificate numbered 57618.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6089) granting an increase of pension to George Uhl, submit the following report:

The records of the War Department show that George Uhl served in Company K, Twentieth Indiana Volunteers, from July 22, 1861, to July 6, 1865, and that he was wounded by a shell at the battle of Petersburg, March 25, 1865, resulting in amputation of the left leg at a point 6 inches below the upper margin of the great trochanter, for which disability he was placed upon the pension-rolls in October, 1865, at \$8 per month, and increased from time to time, now drawing a pension of \$45 per month, under the provisions of the act of August 4, 1886.

On March 12, 1888, he applied for an increase of pension to the Pension Office, alleging intense suffering from neuralgia in the stump of his leg, producing frequent prostration on a bed of sickness, and requiring the care of his wife and others, and in support thereof filed the testimony of his wife and others corroborating his allegations, and also medical testimony, showing that in 1886 he was operated on for "neuroma," without, however, giving him any relief, which claim, however, was rejected by the Pension Office on the ground that he was not receiving the constant aid and attendance of another person as contemplated by law in order to entitle him to a higher rate of pension.

The last medical examination in the case, held September 29, 1886, shows the entire stump tender, and inability to wear an artificial limb by reason of shortness and tenderness of the stump, body very poorly nourished (weighing but 106 pounds), and suffering from irregular action of the heart.

The neuralgia caused by the amputation, together with heart troubles, which can reasonably be attributed to the exposure incident to four years of active service and the severe wound incurred therein, create a disability far greater than the simple loss of the limb, but the Pension Office is debarred from granting a higher rate of pension because the pensioner does not require that constant aid and attendance of another person as contemplated by law in order to entitle him thereto.

Your committee are, however, of opinion that the disability entitles the claimant to a higher rate of pension, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the letter "H" in line 5, and inserting therein instead the letter "E;" also by striking out all after the word "of" in line 6, and inserting therein instead the words "fifty dollars per month, in lieu of the pension now received by him."

The amendments recommended by the committee in the concluding paragraph of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM A. BERGE.

The next business on the Private Calendar was the bill (H. R. 5098) for the relief of William A. Bange.

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 William A. Bange, dependent child of Isaac Bange, late a private in Company H, Seventieth Regiment Indiana Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5098) for the relief of William A. Bange, submit the following report:

The proposed beneficiary is the son of Isaac F. Benge, who died May 4, 1864, while serving as private of Company H, Seventieth Regiment Indiana Volunteers. His widow drew pension until her remarriage on June 24, 1868, whereupon his minor children, of which the claimant is the oldest, were placed upon the pension-roll and continued thereon until April 12, 1879, when the youngest became sixteen years of age.

From evidence before your committee it further appears that said William A. Benge is now, and has been almost from infancy, so seriously afflicted from scrofula of the worst type as to utterly unfit him for the performance of any manual labor. This condition, according to the affidavit of Dr. Blackstone, followed upon a fracture of the leg in 1859. Chronic bronchitis, catarrh of the stomach, nervous prostration, and disease of heart, for which he has also been treated for many years, make his condition more wretched. He has no means, and, being unable to support himself by manual labor, is a charge upon his relatives, who are poor and unable to render him the assistance necessary.

A number of similar cases having received favorable consideration by Congress, your committee return the bill with the recommendation that it do pass, amended, however, by adding, after the word "volunteers," in lines 7 and 8, the words "and pay him a pension at the rate of \$18 per month."

The amendments reported by the committee were read, as follows:

In the title of the bill, and also in lines 6 and 7, strike out "Bange" and insert "Benge."

At the end of the bill add "and pay him a pension at the rate of \$18 a month."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SUSANNAH D. CLARK.

The next business on the Private Calendar was the bill (H. R. 4190) granting a pension to Mrs. Susan Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Susan Clark, of Jonesborough, Grant County, Indiana, a volunteer army nurse during the late rebellion, and pay her, during life, a pension of \$12 per month, from and after the passage of this act.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4190) granting a pension to Susannah D. Clark, submit the following report:

The claimant is a childless widow, of the age of fifty-four years, with neither property nor relatives to support her, and having to support her aged mother

by her daily labor, though herself in feeble health, brought on by anxiety and overexertion in nursing and otherwise ministering to wounded soldiers in the State of Pennsylvania from 1861 to 1865, being at a time when her husband was living in comfortable circumstances, in the city of Harrisburg, Pa., all of which was rendered by her free of charge and without ever having received any compensation from any person or Government, as follows:

She began nursing wounded soldiers directly after the first battle of Bull Run, in 1861, and continued in such service at the hospitals at Camp Curtin, cotton factory, and public school building, in said city of Harrisburg, and twice at hospitals in the city of Philadelphia, and under the direction of Colonel Thomas, of the Twentieth Pennsylvania Regiment, and Drs. Rutherford King and Latts or Shultz, on one occasion going with said Dr. King to nurse certain soldiers of the Twentieth Pennsylvania Regiment who had been injured in a railroad wreck on the Cumberland Valley Railroad, wherein nine were killed and sixty wounded, during which was brought on nervous prostration, which has troubled her ever since.

Her services ended in the last of December, 1864, when her husband was forced to take her away from home for her health. She received no pay whatever, nor did her husband, but they furnished out of their own means, at a cost of about \$2 per day, clothing, medicine, and food to sick or wounded soldiers, for a period estimated by her of nearly twelve hundred days of active service, during much of which time their own house was used by them as a hospital for sick soldiers.

These facts are established by the testimony of applicant, supported by affidavits of Mrs. Susie Addington, Samuel Lefever, Sophia Sepe, H. H. Lefever, and Dr. O. T. Everhart, who were eye-witnesses of much of her services, by letters from one, now dead, of the soldiers whom she nursed, and the affidavit of another, and by the affidavits of her present neighbors at Jonesborough, Grant County, Indiana.

Upon the foregoing your committee recommend the passage of the bill, amending, however, both in the title and bill, by striking out the name Susan wherever it occurs and inserting in lieu thereof Susannah D.

The amendments recommended by the committee in the concluding paragraph of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA K. WHITE.

The next business on the Private Calendar was the bill (S. 1207) granting a pension to Lydia K. White, a volunteer army nurse.

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 Lydia K. White, a volunteer nurse during the war of the rebellion, and pay her, during life, the sum of \$25 per month from March 4, 1863.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1207) granting a pension to Lydia K. White, submit the following report:

This committee have considered this case, and adopt the report made to the Senate by the Committee on Pensions as their report, except as to the amount of said pension, which report is in the words and figures as follows:

"The applicant left a comfortable home in 1861 and offered her services as a volunteer nurse in the late war. She occupied many posts during that war, performing her duties faithfully and well, until her health became seriously impaired and she was compelled to return to her home a shadow of her former self.

"The character of her service is fully shown by the evidence of the surgeons under whom she served. She is advanced in years, entirely dependent on her own exertions for support, and thus situated she comes to Congress for relief."

But this committee, in this class of cases, believe the amount of pension should only be \$12 per month, so we ask that said bill be amended by striking out the words "twenty-five," in line 6 of said bill, and inserting in lieu thereof the word "twelve," and that the bill as so amended do pass.

The amendment recommended by the committee in the concluding paragraph of the report was read, and agreed to.

Mr. MORRILL. I move to amend by striking out, at the end of the bill, the words "from March 4, 1863."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BARNEY M'ARDLE.

The next business on the Private Calendar was the bill (H. R. 2385) granting a pension to Barney McArdle.

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 limitations and provisions of an act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, approved January 29, 1837, the name of Barney McArdle, a private soldier in Colonel Jackson's Georgia regiment in the war with Mexico.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2385) granting a pension to Barney McArdle, have considered the same and report:

On the 24th of November, 1863, the claimant filed an application in the Pension Bureau for a pension under the Mexican war service-pension act of 1837, declaring that he was residing at Savannah, Ga., when the "Irish Jasper Greens," under command of Capt. John McMahon, of the First Georgia Volunteers, left for Mexico; that he went with them, although not enrolled as a member of the company, because the said company was full.

At Mobile, Ala., a member of the company, McCarthy by name, returned home, and he (the claimant) took McCarthy's place and performed the duties of a private soldier in the company thereafter. The regiment went to the Rio Grande to serve in General Taylor's army, and for a time they were stationed in Mexico. The claimant declares further that he was in said service about eighteen months and was discharged at New Orleans.

Hon. WILLIAM C. OATES and James W. Stokes testify to the claimant's identity, and also to the fact that he is a man of good character and worthy of full confidence.

William K. Gilmore, who was a member of the said regiment and who is now a pensioner under the Mexican war-service act, swears that he was acquainted with the claimant, and personally knows that he served with the "Irish Jasper Greens" in the war with Mexico.

Bradford Johnson, also a pensioner, and formerly a member of the First Georgia Volunteers, Mexican war, fully corroborates the testimony of William K. Gilmore relative to the claimant's service.

The claimant's name is not borne on the rolls of the said company and hence the Pension Bureau declines to allow his application.

The name of Robert McCarthy is borne on the rolls of Company C, First Georgia, Mexican war, and he is shown to have enlisted June 9, 1846, at Macon, Ga., and mustered out May 31, 1847, at New Orleans. This is presumed to be the man whose place the claimant is alleged to have taken in the company.

From the claimant's sworn statements, made at the time he made application for pension, it appears that he is now about seventy years old.

After a review of the facts, your committee are of the opinion that the claimant rendered the alleged service in the Mexican war, and the passage of the bill is therefore recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE M. M'CRABB.

The next business on the Private Calendar was the bill (H. R. 7369) to restore the pension of Jane M. McCrabb.

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 Jane M. McCrabb, widow of Capt. John W. McCrabb, deceased, late a captain in the United States Army.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7369) to restore the pension of Mrs. Jane M. McCrabb, have examined the same and report:

Mrs. Jane M. McCrabb, as the widow of Capt. John W. McCrabb, deceased, late a captain in the United States Army, received a pension of \$25 per month until the passage by Congress of a law in 1863, the provisions of which were construed by the Secretary of the Interior to require him to reduce said pension to \$20 per month, which has been the amount received by Mrs. McCrabb since that time.

The widows of officers of the Navy were included within the provisions of the aforesaid law, but Congress restored their pensions by the act of June 9, 1880, entitled "An act to restore pensions in certain cases," and the object of this bill is to include Mrs. McCrabb within the provisions of said act.

Capt. John W. McCrabb was appointed to West Point from Tennessee in 1829, graduated in 1833, and reported for duty as brevet second lieutenant of Fourth Infantry United States Army, then in Louisiana. From there he was detailed for topographical duty, on which he served until the early fall of 1835, when he joined his regiment and participated in active service against the hostile Creeks on the Georgia and Alabama line, where he rendered gallant service.

In winter of 1837 he was appointed captain in the Quartermaster's Department, United States Army, and reported for duty to General Jessup, then commanding troops in Florida in the war against the Seminole Indians, and subsequently to General Zachary Taylor, who succeeded General Jessup.

Here Captain McCrabb discharged the responsible duties of his position with zeal and fidelity until November 6, 1839, when he died in St. Augustine, Fla., of the yellow fever then prevailing in Florida.

The widow of Captain McCrabb, Mrs. Jane M. McCrabb, has now attained a ripe old age, and seriously needs the assistance asked for by this legislation.

After a review of the facts the committee report the bill back and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY B. HOOK.

The next business on the Private Calendar was the bill (S. 1362) for the relief of Mary B. Hook.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized and directed to place upon the pension-roll the name of Mary B. Hook, widow of James H. Hook, lieutenant-colonel and assistant commissary-general of subsistence, and pay her at the rate of \$50, in lieu of that which she is now receiving.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1362) for the relief of Mary B. Hook, have considered the same and report:

Senate Report No. 234 contains a correct statement of the facts and your committee adopt the same as their own and recommend that the bill do pass as amended by the Senate.

[Senate Report No. 234, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting increase of pension to Mary B. Hook, have examined the same and report:

The passage of the bill is recommended, with the following amendment: Strike out all after the word "her," in sixth line, and insert the following words:

"At the rate of \$50 per month, in lieu of that which she is now receiving." A bill identical with this, as proposed to be amended, was reported favorably by this committee and passed the Senate in the last Congress. That report is herewith adopted and made a part of this report.

#### REPORT.

This case was favorably reported by your committee during the last Congress, and the bill passed the Senate. Your committee see no reason for changing their action, and report this bill back with the recommendation that it do pass, adopting their former report, which is as follows:

The claimant, Mary B. Hook, is the widow of James H. Hook, late a lieutenant-colonel in the United States Army. She is now drawing a pension at the rate of \$30 per month. Her husband entered the service in the war of 1812 and remained therein until his death. The claimant now asks that her pension be increased to \$50 per month.

The facts relied upon to support this claim are well stated in the petition of the applicant and record of the military services of the soldier. The member of your committee to whom the case was referred has verified the truth of the allegations of fact, and, on the whole, although the rank of the soldier was that of lieutenant-colonel, considering that his services began near the commencement of the century and continued over sixty years, that much of it was of a very honorable and distinguished character, and that his aged widow is absolutely helpless, the bill is reported back with the recommendation that it do pass.

1123 CONNECTICUT AVENUE, April 9, 1886.

This is to certify that, owing to chronic pulmonary disease, accompanied with hemorrhage, Mrs. Mary B. Hook is thoroughly incapacitated for any and all work pertaining to her support.

J. R. BROMWELL, M. D.  
S. C. BUSEY, M. D.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of Mary B. Hook, widow of Lieut. Col. James H. Hook, assistant commissary-general of subsistence, United States Army, respectfully represents: That by an act of your honorable body, approved July 18, 1876, it was provided as follows, to wit:

"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 Mary B. Hook, widow of Lieut. Col. James H. Hook, late of the United States Army, from and after the passage of this act."

Your petitioner, since 1876, has received a pension at the rate of \$30 per month only.

Owing to the advanced age and delicate health of petitioner and the fact that she has no other means of support, this pension is becoming less and less adequate to her comfort and decent support. She is therefore advised to apply to the generosity of Congress for an increase of her pension to at least \$50 per month, and she is encouraged in so doing by the liberality of your honorable body in other similar cases.

To meet the needs of her declining years, and to leave, if possible, something for her funeral expenses, petitioner therefore prays that an act may be passed allowing her a pension at the rate of \$50 per month.

And as in duty bound, etc.

MARY B. HOOK.

Colonel Hook's military record is respectfully submitted:

He was appointed from Maryland, his native State, as an ensign in the Army in the year 1812.

Was promoted September 1, of the same year, to be second lieutenant in the Fifth Regiment of Infantry.

During the war with Great Britain he was a part of the time at Fort George, and at or near Lewiston, on the Niagara, in 1813.

He was commissioned captain in the Thirty-eighth Regiment of Infantry May 20, 1813, and served on the seaboard of Maryland and Virginia, where his regiment was stationed.

He commanded a company in defense of Fort McHenry when attacked by the British in 1814.

On the organization of the peace establishment he was assigned to the Fourth Regiment of Infantry, commanded by Colonel King.

The Fourth Regiment, under Lieutenant-Colonel Clinch, was ordered to the frontier of Georgia and thence to Florida. Captain Hook was placed in command of Fort Hawkins, the frontier post of Georgia.

Subsequently to this period he was detailed on bureau duty, at Washington, as assistant commissary-general of subsistence. It is not too much to say that he brought to his staff position the same earnestness, fidelity, and intelligence, the same warm sympathy for all the troops in the field, and their requirements that had characterized his conduct while actually serving there in person.

Reference is respectfully made to the papers heretofore filed in reference to the services of Lieutenant-Colonel Hook to the Army and the Government, and the esteem in which he was held by those best competent to judge.

Colonel Hook served in the Army during his whole life, was universally known to be devotedly attached to his profession, and his testimonials from officers of high rank show his great efficiency in every branch of the Army in which he served.

He was truly the soldier's friend, and never failed to advocate their cause on every proper occasion, and when he found them in distress liberally contributed pecuniary aid to their relief; and in this connection she asks leave to transcribe the beautiful and truthful dedication to him by Washington Irving in his work entitled "The Adventures of Captain Bonneville, United States Army, in the Rocky Mountains and the far West," to wit:

"To James Harvey Hook, major United States Army, whose jealousy of its honor, whose anxiety for its interests, and whose sensibility for its wants have endeared him to the service as the soldier's friend; and whose general amenity, constant cheerfulness, disinterested hospitality, and unwearied benevolence entitle him to the still loftier title of the friend of man, this work is inscribed."

Respectfully submitted.

MARY B. HOOK.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EVERHARD WELTER.

The next business on the Private Calendar was the bill (H. R. 4895) to increase the pension of Everhard Welter.

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 Everhard Welter, late a private Company A, Burnett's First Regiment New York Volunteers, Mexican war, to \$24 per month, in lieu of the pension now paid to him.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4895) to increase the pension of Everhard Welter, beg leave to report:

The claimant was a private in Company A, Second New York Volunteers, Mexican war. He is now a pensioner at \$8 per month under the service-pension act of January 29, 1857. He asks an increase to \$24 per month.

The files of the Pension Bureau show that the claimant received a pension at \$8 per month from October 5, 1850, to March 3, 1865, on account of disease contracted in the war with Mexico, and that on the last-named date his name was dropped from the pension-roll on the ground that the disability (disease of lungs) had ceased to exist. The claimant made several applications for restoration to the rolls, but they were disallowed by the Pension Bureau, and it was not until he was granted the service-pension above referred to that his name was again placed on the list of pensioners.

The claimant declares that, in addition to the disease of lungs for which he was formerly pensioned, he received a bayonet wound of the left breast in the war with Mexico, and although the examining surgeons differ in their opinions as to the existence of a disability from the disease of the lungs and wound of the left breast, it is clear that from old age (seventy years), hernia, and disease of eyes, he is so much disabled as to be able to do but little if any manual labor. The claimant is now (or was recently) an inmate of the Soldiers' Home, Washington, D. C.

In view of claimant's condition and his great age, your committee think he should have his pension increased, and therefore recommend the passage of the bill with the following amendment: Strike out the words "twenty-four" in the sixth line and substitute therefor the word "twenty," it being the purpose of the committee to recommend a pension of \$20 per month.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN E. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 6992) to pension Susan E. Freeman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and the same 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 E. Freeman, of Mount Holly, Union County, Arkansas, widow of Roberson Freeman, late of Capt. John Cuntun's company (Monroe Musketeers); Maj. Mark A. Cooper's Battalion, Georgia Volunteers, Florida war, 1836.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6992) granting a pension to Susan E. Freeman, have considered the same and report:

The claimant's late husband, Roberson Freeman, was a private in Capt. John Cuntun's company (Monroe Musketeers), Maj. Mark A. Cooper's battalion, Georgia Volunteers, Florida war, from February 18, 1836, to May 15, 1836.

The claimant asks that she be granted a pension on account of her husband's said service, and in support of her application Mr. McRAE, a Representative in Congress from the State of Arkansas, states that she is quite old, the possessor of no income, and dependent upon others for support.

There are numerous precedents for this legislation, and your committee report the bill back with the recommendation that it do pass, amended, however, so as to allow her a pension of \$12 per month.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

VALERIA B. ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 2139) for the relief of Valeria B. Elliott.

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, the name of Valeria B. Elliott, widow of the late General W. L. Elliott, and pay her a pension from and after the passage of this act.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2139) for the relief of Valeria B. Elliott, have considered the same and submit the following report:

The claimant's late husband, General Washington Elliott, deceased, was upon the 27th of May, 1846, and after serving three years as a cadet at West Point, appointed second lieutenant, Mounted Rifles, United States Army; promoted to first lieutenant July 29, 1847; captain Third Cavalry July 23, 1854, and major First Cavalry November 5, 1861. He served as colonel Second Iowa Cavalry from December 11, 1861, to June 29, 1862, and was appointed brigadier-general of volunteers June 11, 1862; he was promoted lieutenant-colonel First Cavalry August 31, 1866, and colonel Third Cavalry April 4, 1878.

He was placed on the retired-list as colonel, United States Army, March 29, 1879, and died June 29, 1888, of disease contracted in the service and line of duty. During his long experience in the Army he served variously as recruiting officer, in the military occupation of Texas, in the war with Mexico, and at various western frontier posts. During the war of the rebellion he served as the commander of General Lyon's cavalry, as the commander of the Second Iowa Cavalry, and also served in the Army of the Mississippi.

He also served as commander of a cavalry brigade and as chief of staff, Army of the Mississippi; chief of cavalry, Army of Virginia; chief of cavalry, Army of the Northwest; commander First Brigade, Second Division, Middle Department, and the troops engaged in the evacuation of Maryland Heights. He commanded the Third Division, Third Corps, Army of the Potomac, and the First Cavalry Division, Department of the Cumberland. Also as chief of cavalry, Department of the Cumberland, and as commander Second Division Fourth Corps. When mustered out of the volunteer service, March 1, 1866, he was commanding the Department of Kansas.

As seen from the foregoing history, the soldier's service was very long, of a high order, and of great value to his country. His record is without a blemish.

After General Elliott's death the widow applied for a pension under the general laws and was awarded a pension at \$15 per month as a second lieutenant's widow. This is accounted for by the fact that it appears in the papers that General Elliott suffered an attack of rheumatism (the fatal disease) in 1847, while ranking as second lieutenant.

The claimant prays for an increase of her pension to \$50 per month, and in view of the long, distinguished, and valuable services of her husband your committee recommend that the bill do pass with the following amendments:

Insert the word "Brigadier" before the word "General" in the sixth line of said bill, and insert the words "United States Volunteers" next after the soldier's name in said line; also add after the word "act," in the seventh line of said bill, the words, "this amount to be in lieu of the pension she is now receiving."

It may be added that a bill similar to the one under consideration was reported favorably to the House in report No. 4103, second session, Fiftieth Congress.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN S. DILL.

The next business on the Private Calendar was the bill (H. R. 4415) for the relief of John S. Dill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is, authorized and directed to place on the pension-roll the name of John S. Dill, late a private in Jonathan Mayo's Company, First Regiment Illinois Volunteers, in the Black Hawk war, subject to the provisions and limitations of the pension laws.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4415) granting a pension to John S. Dill, have considered the same and report:

A similar bill was introduced in the House at the first session of the Fiftieth Congress, and was favorably reported to the House by your committee in report No. 3057.

Said report contains a correct statement of the facts, and your committee adopt the same as their report, and recommend that the bill do pass with the following amendment: Strike out all after the word "war," in the sixth line, and substitute in lieu thereof the words "and allow him a pension at \$8 per month."

[House Report No. 3057, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 2089) granting a pension to John S. Dill, have considered the same, and report as follows: Departmental records show that John Dill served in a company commanded by Capt. J. Mayo, of Illinois Volunteers, in the Black Hawk war, from June 19, 1832, to August 15, 1832. His claim for pension before the Pension Bureau, based on the alleged incurrence of right inguinal hernia while in service, has been rejected on the ground of no record of said disability and no sufficient proof of its incurrence in service.

The claimant is now seventy-six years old, and is affected by an inguinal hernia as alleged, which would entitle him to a rating of \$8 per month under the general pension laws, and by varicose veins, also claimed to be due to service, for which a rating of \$4 per month would be commensurate.

Additional evidence has been filed in the claim since its rejection. It is shown by the testimony of a sergeant and a private in claimant's regiment that he was thrown from his horse in service in 1832 and injured severely in the groin. The disability has continued ever since.

This man would be entitled to a pension under the bill reported by this committee at the present session of Congress, to pension the survivors of the Indian wars from 1832 to 1842.

Your committee recommend the passage of the bill.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANTONIA B. LYNCH.

The next business on the Private Calendar was the bill (H. R. 4185) to increase the pension of Mrs. Antonia B. Lynch.

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 Mrs. Antonia B. Lynch, widow of Capt. Dominick Lynch, United States Navy, deceased, to \$50 per month, in lieu of the pension now paid to her.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4185) to increase the pension of Mrs. Antonia B. Lynch have had the same under consideration, and beg leave to submit the following report:

The history of the case is set forth in the report of the House Committee on Pensions, Forty-ninth Congress, which your committee take the liberty to adopt as their own:

"Mrs. Antonia B. Lynch, widow of Capt. Dominick Lynch, United States Navy, was granted a pension at the rate of \$25 per month, from October 11, 1884, the date of the officer's death. The rate granted is that of the widow of a lieutenant in the Navy, the rank held by the officer at the time of the incurrence of the fatal disease, according to the interpretation by the Pension Office of the evidence filed in support of the widow's claim.

"Dominick Lynch was appointed a midshipman in the Navy February 2, 1829, promoted to passed midshipman July 3, 1835, to lieutenant September 8, 1841, to commander on the reserved list July 21, 1861, to captain on the reserved list April 4, 1867, to captain on the active list January 20, 1871, and died at Brooklyn, N. Y., October 10, 1884.

"During the late war he served on the Daylight, and later commanded the Bainbridge, the naval station at Beaufort, S. C., and the steamer St. Lawrence, of the North Atlantic blockading squadron.

"Dr. Henry N. Read, who attended the officer in his last illness, testifies that his death was due immediately to cerebral hemorrhage, depending upon intracranial rupture of artery, degenerated from atheromatous deposit. His heart had been affected for years with valvular disease, due to acute endocarditis, the origin of which was inflammatory rheumatism, brought on by exposure.

"The report of the Navy Department of the medical history of this officer during nearly fifty years of service is unusually complete. From this it appears that he was under treatment for rheumatism seven days in 1847 and two days in 1851, but at no time thereafter.

"The widow is over sixty years of age, and an invalid, having the care of a daughter physically unable to earn a support. Her only son, who contributed to the support of the claimant and her invalid daughter, has been taken from her recently by death, thus leaving her entirely dependent upon the small pension now paid to her by the Government.

"For nearly forty years claimant has been the true and faithful wife of a gallant officer, who, as heretofore stated, has honorably served his country for a half century on sea and land. Her present pension is entirely inadequate for her support and the maintenance of a physically disabled daughter, and therefore comes to Congress for relief, asking that her pension be increased from \$25 to \$50 per month, in order that she may be able to retain the station in life in which her late husband's official position has placed her."

Your committee are of opinion that the relief asked for in the accompanying bill should be granted, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, as follows: Strike out the word "fifty," in the sixth line, and insert in lieu thereof the word "forty," it being the purpose of the committee to recommend a pension of \$40 per month.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN A. KENNEDY.

The next business on the Private Calendar was the bill (H. R. 7675) for the relief of Stephen A. Kennedy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen A. Kennedy, who was a private in Company E, Third Regiment of Indiana Volunteers, in the Mexican war, and afterward second lieutenant in Company A, Twenty-second Regiment of Indiana Volunteers, in the war of the rebellion, and pay to him the sum of \$20 per month in lieu of the pension now paid him.

The report (by Mr. PARRETT) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7675) increasing the pension of Stephen A. Kennedy, have considered the same and report: The claimant was a private in Company E, Third Indiana Volunteers, Mexican war, and served from June 10, 1846, to June 24, 1847. He is now in receipt of \$8 per month pension on account of said service.

The claimant also served for two years and nine months in Company C, Twenty-second Indiana Volunteers, war of the rebellion.

In connection with the application for increase of pension by special act, W. C. Duncan, George W. Cornelius, James Myers, and ten other citizens of Brown

County, Indiana, certify that the claimant is sixty-three years old, a poor man, and his health is such that he is unable to perform any manual labor; also, that the claimant has an invalid wife depending upon him for support; his moral character is above reproach. The above-named gentlemen state further that the claimant's pension of \$8 per month is wholly insufficient to supply him with the necessities of life, and he ought, in their opinion, to receive help from the Government.

Doctors John F. Genolin and John C. Ross testify that the claimant is suffering from disease of heart, and a weakened condition of right shoulder due to imperfect union of fractured clavicle; also, deformity of right elbow resulting probably from dislocation of same, and also from a crippled condition of left hand.

Your committee report the bill back recommending its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM ALLEN.

The next business on the Private Calendar was the bill (H. R. 5111) for the relief of William Allen.

The bill was read, 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 William Allen, late private in Company C, Third Regiment of Indiana Volunteers, of the Mexican war, and pay him a pension of \$20 per month, in lieu of the pension now received by him.

The report (by Mr. PARRETT) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5111) granting an increase of pension to William Allen, have considered the same and report:

The claimant was a private in Company C, Third Indiana Volunteers, and served from June 1, 1846, to June 24, 1847, in the war with Mexico. He also rendered service from October 19, 1855, to May 17, 1856, in the First Regiment Oregon Mounted Volunteers.

On the 24th July, 1882, he filed an application for pension in the Pension Bureau, declaring that in the winter of 1846-47 he incurred strangulated hernia, caused by lifting while loading wood on a wagon near Saltillo, Mex.

The proof submitted by the claimant showed that he became disabled during his Mexican war service, and that from the time of his discharge he has been unable much of the time to follow his occupation on account of rupture and other disabilities, and the examining surgeon certifies to the present existence of rupture.

This evidence was not accepted by the Pension Office as sufficient, however, and the claim was rejected January 29, 1883, upon the ground of no record of rupture and claimant's inability to furnish satisfactory testimony to establish origin in service and in line of duty.

The claimant was subsequently granted a pension at \$8 per month under the Mexican war service-pension act of January 29, 1887, and he now asks that the same be increased to \$20 per month.

It is reliably shown that the claimant is now about sixty-five years old and very poor. He has no property whatever, and is so much disabled by hernia as to seriously interfere with his walking and rendering him unable to perform any manual labor.

In view of the facts stated your committee are of the opinion that the relief prayed for should be granted, and the passage of the bill is therefore recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JONATHAN DEAN, SR.

The next business on the Private Calendar was the bill (H. R. 2418) granting a pension to Jonathan Dean, sr.

The bill was read at length.

Mr. MORRILL. Mr. Chairman, I ask unanimous consent that this bill be laid aside, not to lose its place on the Calendar. I think the gentleman who introduced the bill is not present. I am not sure that this is the bill he referred to, but he asked to have it laid aside, and I think it is this bill.

The CHAIRMAN. In the absence of objection the bill will be laid aside, not to lose its place on the Calendar.

JONATHAN HAYES.

The next business on the Private Calendar was the bill (S. 760) granting a pension to Jonathan Hayes.

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 the name of Jonathan Hayes, late of Capt. Alexander D. Coe's company, Illinois Volunteers, Black Hawk war, and pay him a pension of \$12 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 760) granting a pension to Jonathan Hayes, have considered the same, and report it back with the recommendation that it do pass.

Senate report No. 105 accompanies the bill and is adopted by your committee as their report. Said report is as follows:

[Senate Report No. 105. Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting a pension to Jonathan Hayes, have examined the same, and report:

The claimant was a private in Capt. Alexander D. Coe's company, Illinois Volunteers, during the Black Hawk war of 1832, and was honorably discharged. He has been unable to find his comrades to establish his pension claim for injuries to his right hand and right side, which he claims were incurred in said war. He is now nearly eighty years of age and in feeble health; his examination by an examining board of surgeons shows him disabled as alleged. A line of precedents exists for granting service pensions to the survivors of the Indian wars from 1832 to 1842. A similar bill was favorably reported to the House of Representatives of the second session of the Fiftieth Congress. Your committee believe this aged soldier should have a pension, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN GALLAGHER.

The next business on the Private Calendar was the bill (S. 252) granting a pension to John Gallagher.

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 Gallagher, who was a private in Company I, Second Regiment United States Dragoons, in the Seminole Indian war of 1836, and that he be allowed a pension from the date of the passage of this act.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 252) granting a pension to John Gallagher, have given the same consideration, and report: Your committee also have before them a similar bill introduced in the House by Mr. DAVIDSON, but your committee substitute therefor the Senate bill, and adopt the report which accompanies it. The passage of this bill is recommended.

[Senate Report No. 74, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting a pension to John Gallagher, have examined the same, and report:

The same considerations which induced the committee to approve a bill identical with this one last Congress impel them to the same action now, and for the reasons then submitted, which are herewith appended.

The proofs presented in the claim embraced in this bill were not such as to fully meet the technical requirements of the Pension Bureau and it was rejected. There is no doubt of the fact of service as private in Company I, Second Regiment United States Dragoons, in the Seminole Indian war of 1836. The hospital records and petitioner's discharge show treatment for such injuries as he alleges, and that they were so serious as to retire him from the Army; the fact of his loyalty is established, and the half century which has elapsed between his enlistment and the application for pension furnishes a reasonable excuse for failure to comply with the usual requirements of officers' and comrades' testimony as to details of injury.

The evidence of a large number of his townsmen in Florida, whose positions entitle them to credit, vouches for his honesty, his crippled condition, and his poverty. These, with his age and army service, induce the committee to disregard the difficulties, which are technical, and to report favorably upon the bill and recommend its passage, with an amendment making the pension to date from the passage thereof.

NOTE.—Amend by striking out all after the word "date," in the ninth line of said bill, and substituting in lieu thereof the words "of the passage of this act."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS CHAPMAN.

The next business on the Private Calendar was the bill (S. 133) granting a pension to Thomas Chapman.

The bill was read, as follows:

*Be it enacted, etc.* That the pension of Thomas Chapman, of Campbell County Tennessee, evidenced by pension certificate No. 14157, be, and the same hereby is, increased to the sum of \$25 per month, his disabilities being such as to require the constant attention of some person to take care of him.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 133) granting an increase of pension to Thomas Chapman, have considered the same and report:

Said bill is accompanied by Senate Report No. 73, and the same is adopted by your committee as their report. The passage of the bill is recommended.

[Senate Report No. 73, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred Senate bill 133, granting an increase of pension to Thomas Chapman, have examined the same and report:

That this bill was once before in the Senate and referred to this committee. The former bill was Senate bill 2259, first session Forty-ninth Congress. The report made by Mr. WHITTHORNE, member then of this committee, is No. 1366. The report recommended the passage of the bill. There is no change of proof or circumstances. The claimant is ninety-five years old, very poor, and helpless; proof of service satisfactory and of loyalty.

It is recommended that the bill be reported with a recommendation that it do pass.

[Senate Report No. 1366, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2259) granting an increase of pension to Thomas Chapman, have examined the same and report:

That this is an application for an increase of pension to a soldier of the war of 1812, now receiving a pension of \$8 per month. The facts upon which it is made are fully shown in the affidavit of prominent citizens of the county of his residence, which affidavit is as follows:

STATE OF TENNESSEE, Campbell County:

In the matter of the memorial before United States Senate and Congress for increase of pension of Thomas Chapman, of Capt. S. Lawson's company, Virginia militia, in war of 1812, whose name is inscribed on the pension-list roll of the Knoxville (Tenn.) agency, at the rate of \$8 per month, under pension certificate No. 14157, personally came Thomas Wilson, aged forty-two years, of Jacksborough post-office, Campbell County, Tennessee, who, being sworn, deposed as follows:

I am well acquainted with said surviving soldier of the war of 1812, whose physical condition is such as to render him totally unable for the performance of manual labor, as his age is past ninety-five years, as he says, and that is his general reputation, and his appearance indicates that such is a fact. His reputation for morals is good, his poverty is extreme, he owns no property whatever, and his condition is such as to require the almost constant care and attention of some person, and his present pension is utterly inadequate for his support. I make these statements from personal knowledge, and my knowledge of the facts are gained by being his near neighbor and having a good opportunity to know his true condition from personal observation. I am no kin to the soldier and have no interest in his matters.

THOMAS WILSON.  
JOHN HURNLEY.

Attest:

JOHN SMIDDY,  
R. D. PERKINS.

We, the undersigned citizens of Campbell County, Tennessee, and residents of the neighborhood of the town of Jacksborough, Tenn., do hereby concur in

and certify to the truth of the foregoing statement, and know that said surviving soldier of the war of 1812, Thomas Chapman, is a worthy object of the country's bounty.

JOHN HURNLEY, Deputy Sheriff.  
J. P. HOLLINGSWORTH, Sheriff.  
R. D. WHEELER.  
HENRY MAUPINS.  
LAFAYETTE ISLEY.  
LEWIS WILSON, Register.  
J. H. AGEE, Clerk and Master.  
S. C. BAIRD, Clerk County Court.

Sworn and subscribed to before me, and I hereby certify that all the affiants are respectable and the persons they represent themselves to be, and are well worthy of full faith and credit, and that they each read and understood the foregoing contents before they swore to it. I further certify that the statements made by them are true, as I have a personal knowledge of the facts. I am no kin to said soldier and have no interest in his claim.

Given under my hand and seal of circuit court of Campbell County, Tennessee, at office in Jacksborough, Tenn., May 22, 1886.

[SEAL.]

WILLIAM ALLEN,  
Clerk Circuit Court.

The credibility of these parties is vouched for by a member of this committee (Mr. WHITTHORNE).

The committee, accepting the facts to be as stated, deem the case to be a meritorious one, and in view of the fact of the utter helplessness of the pensioner, his extreme old age, and that Congress has in similar cases granted an increase of pension, they recommended that the same may be done in this, and accordingly recommend that the pension to Thomas Chapman be placed at \$25 per month from and after the passage of this bill, which should be so amended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN WATSON.

The next business on the Private Calendar was the bill (S. 800) granting a pension to John Watson.

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 Watson, late private Capt. John Chapman's company, Santa Fé Regiment New Mexico Volunteers, Mexican war.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 800) granting a pension to John Watson, have considered the same and beg leave to report as follows:

Said bill is accompanied by Senate Report No. 175, which your committee adopt as their report and recommend that the bill do pass.

[Senate Report No. 175, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 800) granting a pension to John Watson, have examined the same and report:

The same considerations which induced the committee to approve the bill of last Congress for the relief of John Watson impel them to the same action now, and for the reasons then submitted:

"John Watson, the claimant under this bill, made application for a pension, under the law of January 29, 1887, granting pensions to the survivors of the Mexican war. The claim was rejected August 3, 1887, by the Commissioner of Pensions, because 'claimant's service was rendered from March 21, 1849, to October 12, 1849, subsequent to the war with Mexico.'

"The claimant is now seventy-four years old, and is a pauper, being supported by the county authorities. He is a man who is highly respectable and has no known relatives in the country upon whom he could depend for support in his old age. His service was honorable and he has an honorable discharge from the United States Army.

"While not entitled to pension under the act aforesaid, your committee think it proper for the Government to contribute something to the support of this old soldier during the brief period of life remaining to him, and therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARTOLA THEBAUT.

The next business on the Private Calendar was the bill (S. 19) to pension Bartola Thebaut, a soldier in the Seminole Indian war of 1849 and 1850.

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 Bartola Thebaut, a soldier in the Florida Seminole Indian war of 1849 and 1850.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 19) to pension Bartola Thebaut, have considered the same and report:

Said bill is accompanied by Senate Report No. 71, which fully sets forth the facts as shown by the evidence. Your committee adopt said report as their own and recommend that the bill do pass.

[Senate Report No. 71, Fifty-first Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 19) granting a pension to Bartola Thebaut, have examined the same and report:

The claimant was a private in Capt. Thomas Ledwith's company of the Florida militia in the war with the Seminole Indians of that State in 1849-'50. The company mentioned was called out by and was in the service of the State; was not mustered into the service of the United States; was paid by the State in the first instance, but this expenditure was subsequently reimbursed by the General Government.

The claim for pension is founded upon injury to the testicles, which was suffered by the kick of a horse while the soldier was on duty as a mounted scout against the Indians, at or near Spring Garden, in the State of Florida, in the year 1849.

The loyalty of the claimant is fully shown, he having served, but not as a soldier, in the quartermaster's department of the United States forces in Florida, during the late war, from 1863 to 1865, upon light duty. The claim has been rejected by the Pension Bureau upon the ground that the evidence does not show that the injury was received in the service of the United States or that the disability is continuous.

Your committee think payment by the United States to the State of the money disbursed in payment of the company to which the soldier belonged is a sufficient recognition of the Federal character of the service and an acknowledgment of its efficiency.

As to the other objections made it is clear to us upon the proof that the injury was incurred in the line of duty, was a very severe one, and that the same has never been cured.

The medical and lay witnesses both concur in the statement that the claimant is now suffering from said disability. It is spoken of as "now in existence," as "permanent," as one, owing to the nature of the parts, impossible to be treated surgically without "danger to life;" as a "rupture," yet, being in the scrotum, as disabling the claimant from any kind of manual labor except the lightest.

The claimant is now nearly sixty years old, not in good circumstances, needing assistance to gain a livelihood.

The committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE SIMMONDS.

The next business on the Private Calendar was the bill (S. 647) granting a pension to Catharine Simmonds.

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 Simmonds, widow of William E. Simmonds, late first sergeant of Battery L, First Regiment United States Artillery, enlisted under the name of William E. Scott.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 647) granting a pension to Catharine Simmonds, have considered the same and report as follows:

Said bill is accompanied by Senate Report No. 165, which contains a full statement of the facts as shown by the evidence.

Your committee adopt said report as their own, and recommend the passage of the bill.

[Senate Report No. 165, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 647) granting a pension to Catharine Simmonds, have examined the same, and report:

The appended report, made by your committee in the last Congress, is adopted, and the bill is reported with a favorable recommendation.

The soldier was discharged from the service by reason of heart disease therein contracted. The circumstances of his death are fully set forth in the following surgeon's certificate:

WORCESTER, January 8, 1886.

I hereby certify that on the 25th of May, 1871, I saw William E. Simmonds, alias Scott, late Company L, First United States Artillery, thrown out of an open buggy; that he struck his head upon the curbstone, cutting a gash just above the left eye, and through the integument only; that he was stunned for a few moments only, soon recovering consciousness; that he was taken home, put to bed, and the wound dressed, which did well; that no unfavorable symptoms appeared until the fifth day, when there was seen a fine eruption all over the body, looking like the rash of scarlet fever, with a high temperature and a very rapid pulse, which on the next day proved to be purpura hemorrhagica; that until a short time before his death, which occurred the 30th of May, 1871, there was no delirium or stupor, only a slight headache; but he did complain from the first of distress in the cardiac region; that on examination of his chest I found valvular disease of the heart, for which he informed me he was discharged from the Army. I further declare that the immediate cause of his death was purpura hemorrhagica, occurring in a person with an old organic disease of the heart and probably of the arteries, excited by the shock of the accident.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB THEBY.

The next business on the Private Calendar was the bill (H. R. 6843) for the relief of Jacob Theby.

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 to be canceled any and all charges of desertion now of record against Jacob Theby, late a private in Company F, Fifth Missouri Volunteers.

Mr. BRECKINRIDGE, of Kentucky. We had better have the report read.

The report (by Mr. KINSEY) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 6843) for the relief of Jacob Theby from the charge of desertion, report thereon as follows:

Jacob Theby, of Company F, Fifth Missouri Volunteer Infantry, was enrolled September 11, 1861, to serve during the time of war.

He was present with his company June 30, 1862, and is reported to have deserted July 18 or 20, 1862, at St. Francis Bridge, Missouri, and never to have returned to his company, which was mustered out November 22, 1862.

It appears that this soldier was taken sick while with his command at St. Francis Bridge, in July, 1862, and applied for a leave of absence to go to his home at St. Louis. He was dissuaded from going when he first applied, for the reason that it was understood and so stated to him that his command would soon proceed to St. Louis to be mustered out.

There was some delay, it seems, in the movement of the regiment, the locality was a very unhealthy one, and Theby again applied for leave of absence, having grown much worse. There is some testimony tending to show that he had the verbal consent of his superior officers to go, and it is very clear that he left openly with the full knowledge of his officers and comrades, who were cognizant of his physical condition.

It appears that Theby thought at least that he had permission to leave and that he had no intention to desert.

He went home to St. Louis, where he was confined to his bed for about four months by sickness contracted in the service at St. Francis Bridge.

In the mean time his command followed him to St. Louis, where it was mustered out before he recovered and before he had any opportunity to rejoin it.

After leaving his command at St. Francis Bridge, as stated above, Theby was noted on the rolls of his company as a deserter, and it is proposed by the bill under consideration to relieve him from this charge.

The committee recommend the passage of the bill after amendment by adding the following proviso:

"Provided, This act shall not be construed to give to said Theby, his legal representatives, or heirs, any pay or allowance for any period of time he was absent without leave and not in the performance of military duty."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARK F. JONES.

The next business on the Private Calendar was the bill (H. R. 6518) authorizing the Secretary of War to remove the charge of desertion against Mark F. Jones, of Roseburgh, Oregon, and late of Company E, First Regiment Michigan Engineers and Mechanics, and that a certificate of discharge be issued.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to release from the charge of desertion Mark F. Jones, late of Company E, First Regiment Michigan Engineers and Mechanics, late war, and that said charge be, and it is hereby, removed, and a certificate of discharge authorized.

Mr. BRECKINRIDGE, of Kentucky. I think we had better have the report read in this case, as it is a case of desertion.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6518) authorizing the Secretary of War to remove the charge of desertion against Mark F. Jones, of Roseburgh, Oregon, and late of Company E, First Regiment Michigan Engineers and Mechanics, and that a certificate of discharge be issued, submit the following report:

Your committee find this to be a very meritorious case. The person named in the bill when twelve years of age enlisted as a drummer boy in Company E, First Michigan Engineers and Mechanics, late war, against the wish and in defiance of his father. His father commenced proceedings in the United States district court for the eastern district of Michigan on June 5, 1863, and the court ordered his discharge, it having appeared that he was enlisted without the sufficient consent of his father. Certified copies of the court proceedings are before us.

The boy having enlisted under the name of Marcus Jones instead of Mark F. Jones, his true name, we recommend that the following be added to said bill on line 7: "In the name of Marcus Jones as the same appears on the rolls of said company in the War Department."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES E. SCOTT.

The next business on the Private Calendar was the bill (H. R. 2590) granting a pension to Charles E. Scott.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be hereby directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Scott, late a private in Company G, Twenty-third Illinois Infantry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2590) granting a pension to Charles E. Scott, submit the following report:

This soldier was a corporal in Company G, Twenty-third Illinois Volunteers. In his application for pension he alleges that he contracted camp itch near Richmond, Va., about July 1, 1865, which resulted in loss of eye-sight. The origin of disability is clearly proven by the affidavits of Lieut. Horace J. Mack, and by a comrade, J. S. Collister, and its existence and continuance by abundant lay testimony. The claim was rejected on the ground of claimant's inability to furnish satisfactory evidence that his loss of sight was the result of the disability contracted in the service.

It appears from the evidence that the soldier was a great sufferer from the disease contracted in the service, and was continuously treated for the same until the year 1871, when he became totally blind and remained so for about three years, when his sight was partially restored. The medical referee in the Pension Office decides that the loss of sight could not be accepted as the result of the disease contracted, but says that, if it was scurbutus, and not camp itch, with which the soldier was afflicted in the service, it might be admitted. Dr. E. Williams, who treated him in 1872 and 1873, and who is also a medical examiner of the Pension Bureau, describes his case fully and says: "I can not feel justified that it was the result of exposure or hardships of army service."

The examining board at Wellington, Kans., reported August 31, describing his condition, and added: "Do not find any indication of venereal disease; probable cause of impaired sight retinal hemorrhage."

They rate him at total second grade.

Your committee are unable to decide positively that the disease contracted in the service was the cause of the impaired vision, and even the medical authorities are in doubt about it. They seem unwilling to say that it might not have been, while they declare their inability to accept it as a positive result. The claimant is helpless and destitute.

Your committee, after a careful examination of all the evidence, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HAYDEN SORTER.

The next business on the Private Calendar was the bill (H. R. 6305) for the relief of Hayden Sorter.

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 Hayden Sorter, late a private in Company H, Forty-third Regiment Missouri Enlisted Militia, on the invalid pension-roll, subject to the provisions and limitations of the pension laws in relation to invalid pensions, on account of wounds received in battle during the late war of the rebellion.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6305) for the relief of Hayden Sorter, submit the following report: Hayden Sorter was a member of Company H, Forty-third Regiment Enrolled

Missouri Militia, and while in said service received a gunshot wound of back in action with the enemy in Cooper County, Missouri, in September, 1862.

The report of the adjutant-general of Missouri shows that the company, at the time and place alleged, captured a guerrilla camp.

The incurrence of the wound is shown by the testimony of Lieutenant Hoge and a number of comrades.

The application for pension was not filed, however, until January 5, 1880, when claimant had no longer a pensionable status before the Pension Office, because of the provisions of paragraph 3, section 4653, Revised Statutes.

The case comes clearly within the well established practice of Congress to grant relief to militiamen who were wounded in action, and your committee, therefore, report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA G. CARNES.

The next business on the Private Calendar was the bill (H. R. 4807) for the relief of Lydia G. Carnes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia G. Carnes, dependent mother of Charles H. Carnes, deceased, late private in Company G, Osage County (Missouri) Home Guards, who died in hospital October 15, 1861.

The report (by Mr. MORELL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4807) for the relief of Lydia G. Carnes, submit the following report:

The proposed beneficiary is the mother of Charles H. Carnes, who served as a private in Company G, Osage County (Missouri) Home Guards, and died of diarrhea at Jefferson City (Mo.) hospital about October 15, 1861, leaving neither widow nor minor child surviving him.

The Missouri Home Guards were organized in the early part of the summer of 1861 by order of General Lyons, then commanding the United States forces in that State. They were in no sense a State organization, the State at that time having no loyal government. Under the provisions of the act of March 25, 1862, the same were declared as regularly in the service of the United States, and pensions provided for them.

By a subsequent act a commission was appointed to settle their claims for services rendered, and upon the report of said commission final payment was made. As a matter of fact not until this commission commenced operations were authentic rolls of many of the hundred or more Home Guard companies in existence, and many were prepared three and four years after service from memory. In this way the names of some of those who had died were omitted from the rolls finally presented to the Treasury Department for settlement. This seems to be the obstacle in the allowance of this mother's claim, the Pension Office refusing to accept parol evidence of service in this class of pensions.

Capt. William A. Bradshaw, who commanded aforesaid company and who was intimately acquainted with claimant and family for years prior to the war, testifies that Charles H. Carnes, while a member of his (affiant's) company, died at the post hospital at Jefferson City, Mo., about October 15, 1861. Soldier's father died in 1858. The claimant was dependent upon the soldier and another son.

Joseph F. George and Daniel Blankenship likewise testify to the son's service and death as above stated, as well as the mother's dependence upon him.

From the certificate of the clerk of Moniteau County, Missouri, it appears that claimant and another son, who has been a cripple from infancy, are supported by the county.

Added to this dependence on the part of the claimant is her total helplessness by reason of complete loss of eyesight since 1867.

The case is surely one for favorable consideration at the hands of Congress. Therefore your committee return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CHURCH.

The next business on the Private Calendar was the bill (S. 778) granting a pension to William Church.

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 William Church, late second lieutenant of Company C, Second Regiment West Virginia Cavalry.

The report (by Mr. MORELL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 778) granting a pension to William Church, submit the following report:

That the facts in this case are very clearly and fully set forth by the Senate report, which is hereby adopted.

REPORT.

The claimant under this bill, William Church, was second lieutenant of Company C, Seventh Regiment West Virginia Volunteer Cavalry.

He was mustered into the service of the United States November 8, 1861, and resigned September 25, 1862. On May 20, 1876, he made application for a pension, alleging sore eyes contracted in November, 1861. The Commissioner of Pensions rejected the claim on the ground "that the disease of eyes for which he claimed pension existed prior to the date of his enlistment." In an affidavit filed June 19, 1882, the claimant swears:

"That in the month of August, 1861, in Monroe County, Ohio, he and others organized a company, and tendered their services to the governor of Ohio, who not being ready to accept them, they made application to the governor of Virginia, and about the 1st of September, 1861, the company, including claimant, went to Parkersburg, Va., and there organized as Company C, Second Virginia Cavalry, claimant as second lieutenant, and went into camp, awaiting further orders. \* \* \* That from exposure he and others took severe cold, and at this time, in the month of September, 1861, his eyes first appeared to be affected. \* \* \* That he with said company continued in said camp at Parkersburg, under daily exercise and discipline, and was mustered into service November 8, 1861, still suffering with the cold and sore eyes referred to, and continued sore and troublesome up to January, 1862, when he was ordered with his company to Kentucky, and about the 10th of January, 1862, were engaged in the battle of Big Sandy, where they were exposed for several days to heavy rains and cold, and sore eyes became so much worse he was led to resign from the affection of his eyes."

Dr. C. D. Dally swears:

"That he was the family physician of claimant for about ten years, from 1859 to 1869; that he was his physician at time of enlistment and about two years

prior; that he knows of his own professional knowledge that he was at the time of his enlistment of sound bodily health, and especially free from any disease or affection of the eyes."

Comrade Andrew J. Hamilton swears:

"That he well knows William Church, and that about the — day of November, 1861, at Parkersburg, Va., he was attacked with sore eyes, and continued to be so afflicted until compelled to resign in consequence of said disability."

Capt. Thomas Neal swears substantially as above, and adds: "That he testifies to these facts from his own personal observation, and from almost daily intercourse with said officer."

Dr. Dally swears: "That in February or March, 1862, while the claimant was home on a furlough, he treated him for inflammation or conjunctivitis. That when he returned home in October, 1862, having resigned, as affiant believes, in consequence of disease of eyes, he was then suffering therefrom, and continued to be so afflicted, under the professional treatment of affiant, until his removal to Kansas, in 1869."

"From the character of the witnesses I am of the opinion that claimant was free from sore eyes prior to enlistment. I am also of the belief that they have been continuous since discharge from the Army. I do not think he was treated for sore eyes while in the Army, at least by an Army surgeon. The present condition of his eyes confirms the witnesses' statements as to the condition of his eyes during each year since his discharge from the Army. \* \* \* I respectfully recommend that the testimony of Captain Neal be taken, as he was acquainted with claimant prior to enlistment and was present at time he alleges to have contracted sore eyes. If, however, the captain or other members of his company can not be found, I recommend that the claim be admitted and pension granted, as there is evidence to prove prior soundness and condition at discharge."

Thomas F. Winthrop, special examiner, concludes his report as follows:

"From the evidence taken by me it would seem that the claimant had diseased eyes prior to his enlistment, but that they became much worse soon after his enlistment. \* \* \* I am of the opinion that the claim is not meritorious, but would recommend further examination." It is proper to state in connection with the report of Special Examiner Winthrop that the testimony of five comrades taken by him was decidedly and positively in favor of the prior soundness of the claimant, while that of three might be considered as being to the contrary, as follows:

Comrade J. C. Brown says:

"Claimant had weak and watery eyes prior to enlistment."

Comrade John R. Brown says:

"Claimant had diseased eyes before he went into the service."

Comrade Elias Stewart says:

"Claimant had diseased eyes before he went into the service."

Dow McClain, special examiner, concludes his report of the case by expressing the opinion that the claim "has little or no merit, but recommends further examination."

The Commissioner of Pensions, however, declined to order further examination, and, as before stated in this report, rejected the claim "on the ground that the alleged affection of the eyes existed prior to enlistment."

Since the rejection of the claim a number of additional affidavits have been presented showing prior soundness of claimant. These include medical testimony of high character and that of neighbors and acquaintances whose veracity is undoubted. The claimant is very poor, and having served the Government for a year we think the bill should pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOANNA W. TURNER.

The next business on the Private Calendar was the bill (S. 1339) granting a pension to Joanna W. Turner.

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 Joanna W. Turner, widow of William D. Turner, late surgeon Ninety-seventh Illinois Volunteers, and pay her a pension during life, at the rate of \$40 per month, from the passage of this act, in lieu of the pension now received by her.

The report (by Mr. MORELL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1339) granting a pension to Joanna W. Turner, submit the following report:

The facts in this claim are fully set forth in the Senate report, which is hereby adopted.

[Senate Report No. 230, Fifty-first Congress, first session.]

The claimant, Joanna W. Turner, is the widow of William D. Turner, late a surgeon of the Ninety-seventh Illinois Volunteers, and was also a volunteer nurse in the Army of the United States during the late civil war.

The soldier died December 31, 1865, and his widow was pensioned at the rate of \$25 from the date of his death. She now asks that this pension, which has been allowed her under the general law as such widow, be increased, on the ground of her individual services rendered as a volunteer nurse. In support of her claim she presents a statement showing the following facts:

Shortly after the fall of Fort Sumter, in the spring of 1861, when General Prentiss first took command at Cairo, Ill., he sent a request to Mrs. Turner, then in Chicago, to come immediately and bring one or two ladies with her to assist in organizing a hospital at that place. This request was immediately complied with, and Miss Hanley, of Chicago, accompanied her. Her husband was then in Colorado, but on his return immediately volunteered in the Army. Mrs. Turner remained on duty in the hospital in Cairo until required to assist in receiving the wounded from the battle of Belmont, Mo., on board the boats, and at the Brick Hospital at Cairo.

Up to this time the Confederates had never been recognized as belligerents, so that prisoners could not be exchanged. They had a considerable number of our sick and wounded in their hands, suffering the most terrible exposure and deprived of common comforts. It being impossible to hold direct official intercourse with them until belligerent rights were conceded, General U. S. Grant requested Mrs. Turner to go with a flag of truce and negotiate for an exchange. She went with one female companion on this delicate service to Columbus, but found on her arrival the exchange had been arranged. She returned to duty in the Cairo hospitals until ordered to Fort Henry, Tenn. Her husband was appointed surgeon in charge of the floating hospital City of Memphis, and she became his assistant thereon.

This was the largest floating hospital in the service, and her position was an important and arduous one, besides being dangerous, as the steamer was fired upon from the river banks and several persons wounded. This floating hospital was used to transport the sick and wounded from field to general hospitals, and in time of battle the transfers were necessarily rapid, and the care, labor, and attention to the patients unremitting, scarcely time being allowed to snatch necessary food, and almost excluding possibility of sleep.

On the second day after the commencement of the battle of Donelson, Surgeon Turner was ordered from Fort Henry to Donelson, and retained there to forward the wounded. In consequence of this the entire charge of the City of Memphis devolved on Mrs. Turner, containing 475 sick and wounded to be transferred to the general hospital at Paducah. This duty she performed, and proceeded with the hospital steamer up the Cumberland River to Donelson. She served diligently on this boat until after the battle of Pittsburgh Landing. She and her husband then went to Evansville, Ind., and took charge of hospital No. 5, and he was acting medical director of all the hospitals about three months, during which time Mrs. Turner was in active service in them.

Her unremitting service and consequent exposure brought on a fever, and she was compelled to go to Chicago in the fall of 1862 for treatment. Her husband was some time afterward again placed on the City of Memphis as surgeon in charge, and she went on and resumed her duties until she was taken severely ill May 13, 1863, and was compelled to leave. She was afterward sent as a delegate from Chicago with the steamer City of Alton to the rear of Vicksburg, July 6, 1863, and was engaged in attending the hospitals and organizing the soldiers' home. She left Vicksburg and went to New Orleans with part of the Thirteenth Army Corps; was there engaged in the hospitals, and left there on account of severe illness June 10, 1864. This was so severe as to detain her at Vicksburg; and upon recovering somewhat she returned to Memphis and assisted in the hospitals of her husband's command.

Her health has never been good since her service, having contracted chronic malaria in the Lower Mississippi. Her services cover a period of three and a half years, for which she received no compensation whatever. She distributed thousands of dollars' worth of sanitary goods, and paid out of her own funds at one time \$120 for the passage of four artillerymen (who had no means) home to Chicago. On another occasion she accompanied soldiers severely wounded to Chicago, and made many purchases on the rivers in emergencies where no vouchers could be obtained. After the battle of Pittsburgh Landing her husband gave her his pay for three months (over \$360), and it was stolen from her while assisting the wounded. This, with what she expended from her own means in the emergencies and necessities of her service and in consequent sickness, would amount to as much as \$1,000.

Your committee call attention to the following testimonials filed in this case. General U. S. Grant says:

"Mrs. Turner, whose husband, now deceased, was a volunteer surgeon within my command during the first years of the rebellion, gave her time and services most efficiently in nursing and caring for the sick and wounded soldiers."

General John A. Logan says:

"I know that Mrs. Turner was recognized as hospital nurse on the floating hospitals under charge of her husband, Colonel Turner, from 1861 up to the time I left Vicksburg, in the fall of 1863. She was of great service and ought to be paid. I think the amount of pay received by second lieutenant would be small pay in her case."

C. McDougall, late medical director, Army of the Tennessee, says:

"Mrs. Joanna Turner, wife of Dr. Turner, in charge of the hospital steamer City of Memphis, rendered invaluable services to the sick and wounded while I was medical director, Army of the Tennessee, before Corinth; that, while her husband had sole charge of the hospital steamer, its arrangement and beautiful order were due to her; that she was in constant attendance on the sick and wounded on board of the steamer, and accompanied them to their destination, and her services and tender care of the sick and wounded will ever be remembered by them."

James Simons, surgeon, United States Army, says:

"I remember well when the steamer was put in commission and your husband was detailed to take charge of her. Your husband was a young man, and I intended placing an officer of higher rank in charge; but upon inspection of the steamer I found her in such admirable order that I concluded to keep your husband in charge. The good order, cleanliness, and fine condition of the steamer were, in my opinion, greatly due to you."

H. Wardner, late brigade surgeon, United States Volunteers, says:

"I recognized in your husband and yourself two of the best workers we had in the floating hospital department during our late sad war. The hospital itself was a model of neatness and comfort."

T. B. Hood, late surgeon, United States Army Floating Hospital Service, says:

"To my knowledge Mrs. T., by her industry and her intelligent methods of managing, was one of the most efficient and useful of all the women engaged in the care of soldiers during the war."

John H. Brinton, late medical director, Army of the Tennessee, says:

"Your duty was most faithfully discharged, and I always regarded the great efficiency of this hospital steamer to have been owing in a great degree to the unceasing care and solicitude with which you, the wife of the surgeon in charge, watched over the interests and well-being of its inmates."

William Grimsted, late surgeon-in-chief, Third Division, Twentieth Army Corps, says:

"Mrs. J. W. Turner, to the utmost of her ability as an intelligent and cultivated woman, intensely interested in the success of her husband and the Union cause, assisted in caring for the sick and wounded before, during, and after operations when required, and by her example and directions inspired the female nurses with an ardent desire to properly perform the duties assigned them."

Mrs. M. A. Bickerdike, a well known army nurse, testifies to the valuable and efficient services of Mrs. Turner at the battles of Donelson and Pittsburgh Landing, and elsewhere on the rivers about Vicksburg.

The decease of her husband leaves Mrs. Turner poor and dependent upon her own exertions for support. She is also much broken down in health, which she attributes to her labor and exposure during the war and the sickness occasioned thereby.

Your committee report back the bill with a recommendation that it do pass.

Mr. MORRILL. I move that the words "during life" be stricken out.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. MAYS.

The next business on the Private Calendar was the bill (S. 788) granting a pension to William H. Mays.

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 William H. Mays, late of Company C, Fourth Regiment Kentucky Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 788) granting a pension to William H. Mays, submit the following report: That the facts in this case are fully and clearly set forth in the Senate report, which is hereby adopted.

SENATE REPORT.

A similar bill passed the Senate at the second session of the Fiftieth Congress. The facts are fully set forth in the accompanying report:

William H. Mays, the claimant under this bill, enlisted September 17, 1861, in Company F, Eighth Regiment of Kentucky Volunteers; was subsequently transferred to Company C, Fourth Kentucky Volunteers, and was discharged August 17, 1865. On September 16, 1879, he made application for pension, alleging as the basis of his claim "gunshot wound of head June 17, 1865, near Columbia, Ga.; also injury of back, caused by jumping a ditch." The claim was rejected by the Commissioner of Pensions April 9, 1888, upon the ground of no record of gunshot wound of head and injury to back while in the service, and claimant's expressed inability to furnish evidence showing that the same were incurred in the service and line of duty.

The claimant has made several affidavits in his own behalf, and the special examiner reports him as a man of good repute in his community. Capt. Luther Jenkins makes affidavit as follows:

"The claimant incurred a gunshot wound in the head, near the crown of the head, fracturing the skull. Said wound was received under the following circumstances, to wit: The said William H. Mays was detailed by me as a scout. He was stout, healthy, and active at the time the detail was made, and was put on the detail partly for that reason. The detail was sent out to burn a bridge, and while on this duty he received the said wound, also an injury of the back by his horse falling in a ditch and falling on him.

"I was not with the detail, but saw the said William H. Mays when he started on the expedition and saw him in a few days after he was brought back wounded and injured as aforesaid. At the time of his discharge he was still unable to walk without assistance, from the effects of these injuries, and he was sent to the Soldiers' Home at Louisville, Ky., to recuperate and until such time as he would be able to go home."

Captain Jenkins says, in response to an office letter, that it was always a surprise to him, and that he could not see why the wound did not kill him, and that there never was a better or more truthful soldier than William H. Mays. Continuance is also well established. Two medical examinations have been had in this case; the first rates him at two-thirds total and the last at total.

The case has been under special examination, and F. M. Gilson is of the opinion the claim is meritorious, and concludes by saying that unless the pension is allowed soon the claimant will not need it.

A. M. McGinniss, special examiner, is of the opinion the claim is meritorious, and recommends further examination. He also says the reputation of Capt. Luther Jenkins "is excellent."

T. F. Dennis, special examiner, says:

"I can hardly form an opinion as to the merits of the case; origin is not proven, much less line of duty."

This examiner took the affidavit of one James Heavilin, who formerly made a very flattering affidavit in the case. He alleged that he was detailed as one of the scouts on the expedition. In his testimony before the examiner he says he was not present at the time the injury was incurred; that he was at home in Ohio; that he has a kind of "foresight" by which he can see things at a long distance. The testimony of this witness should not be taken into consideration in adjudicating this claim, as the man is evidently of unsound mind.

John F. Madden, special examiner, says: "There seems to be a merit in the claim," and recommends further examination.

Your committee are of the opinion that, taking into consideration the statements of Captain Jenkins, detailing this claimant as a scout on this expedition, his excellence as a soldier, and his present impoverished condition, he should be pensioned, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT A. BRIDE OR M'BRIDE.

The next business on the Private Calendar was the bill (S. 812) granting a pension to Robert A. Bride or McBride.

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 Robert A. Bride or McBride, late of Company H, One hundred and eighty-third Regiment of Pennsylvania Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 812) granting a pension to Robert A. Bride or McBride, submit the following report: That the facts in this case are very clearly and fully set forth in the Senate report, which is hereby adopted.

REPORT.

Robert A. Bride or McBride enlisted in Company H, One hundred and eighty-third Pennsylvania Volunteers, January 15, 1864, and was discharged March 21, 1865. He had previously served enlistments as follows: From April 19, 1861, to June 18, 1862, in Company E, Ninth Pennsylvania Volunteers, and from August 6, 1862, to May 16, 1863, in Company F, One hundred and twenty-fourth Pennsylvania Volunteers. On December 5, 1865, he made application for pension, alleging in his declaration that, while serving with Company H, One hundred and eighty-third Pennsylvania Volunteers, in the month of April, 1864, he was barefoot five days, and in consequence thereof he got a severe cold, which resulted in inflammatory rheumatism.

In an amended declaration he alleges that while serving in the One hundred and twenty-fourth Pennsylvania Volunteers he was under arrest for disobeying an order of his officer, and was handcuffed for three days and nights with his hands behind him, so that he was unable to put on his overcoat or cover himself with the bed-clothes, and from exposure contracted inflammatory rheumatism. He contracted said disease while in the One hundred and twenty-fourth Regiment, but it did not develop itself until after his enlistment in the One hundred and eighty-third Pennsylvania Volunteers.

The claimant swears, March 8, 1884, that he had no rheumatism until enlisting in Company H, One hundred and eighty-third Pennsylvania Volunteers. Since his discharge he has lived at Downingtown, Pa., from 1865 to 1868, and from 1868 to 1881 at Lawrence, Kans.; from 1881 to 1884 at St. Louis, Mo., and is too poor and destitute to obtain the required evidence.

Never had a physician prior to enlistment. After discharge Dr. Stewart of Downingtown, attended him and he advised "cold-water applications." Have written to neighbors, but received no answers.

Henry Auguston and C. A. Ruch, of St. Louis, who have known claimant for two and a half years, swear to his disability; not able to work half his time.

The claimant states he is unable to get the testimony of Dr. Duffield, of the free dispensary of St. Louis, as he has removed from the city and does not know his whereabouts.

The board of examining surgeons, February 21, 1883, say in their report to the Commissioner of Pensions:

"Chronic rheumatism is now present in left foot, at ankle, which is swollen

and tender; right arm now swollen, and a deposit about elbow-joint, precluding the straightening of the arm beyond an angle of sixty-five degrees; can bend elbow; right shoulder is tender and chronically enlarged; rating total, third grade.

Again examined by said board June 4, 1884. They rate him at this time C 12-18.

This claim has been several times examined by special examiners of the Pension Office, the first taking place at St. Louis, Mo., commencing May 22, 1884, claimant being present and testifying substantially as before, but more in detail. The special examiner, Mr. E. T. Whitman, examined the records of the free dispensary, which corroborate the statement of claimant as to treatment there for rheumatism.

He concludes his report by saying the claim seems meritorious, and should be further examined at West Chester and Downingtown, Pa., and Lawrence and Wyandotte, Kans.

George W. McKean, special examiner, is of the opinion the disability is due to a railroad accident, but recommends further examination. C. W. Okey, special examiner, "thinks case has no merit." R. V. King, special examiner, thinks "the case one of doubtful merit." J. H. Jennings, special examiner, thinks "the case has but little merit." C. P. Eppert, special examiner, is of the opinion the case is without merit and recommends rejection, and on October 15, 1885, the Commissioner of Pensions rejected the claim on the ground that there was no satisfactory evidence to show that rheumatism, the disease for which pension is claimed, originated in the service and line of duty.

The papers in this case are very voluminous. The claimant has unquestionably been a man of considerable ability, but the impression is forced by an examination of the papers upon the minds of your committee that he has lost his mental stamina, and, in fact, may be really considered as mentally unbalanced. He was a mere boy when he entered the Army in 1861. The records of the War Department show that he was in the hospital nearly the whole of the last enlistment; that his first enlistment was April 19, 1861, within a very few days after the proclamation of the President of the United States was issued calling for 75,000 men to suppress the rebellion.

The testimony shows that at that time he was strong and healthy, and that, in fact, he ran away from home to become a soldier.

He is now broken in health, mind diseased, unbalanced, poor, with a family and himself dependent upon the charity of their neighbors for support, having lost two children by disease because he had not the means to procure the necessary medicines and attendance.

Your committee feel that the case is one that will commend itself fully to the Senate, and therefore recommend that the bill pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### RACHEL DIXON.

The next business on the Private Calendar was the bill (S. 782) granting a pension to Rachel Dixon, mother of James Dixon, deceased.

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 limitations and provisions of the pension laws, the name of Rachel Dixon, dependent mother of James Dixon, deceased, late of Company A, of the Forty-ninth Regiment of Ohio Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 782) granting a pension to Rachel Dixon, submit the following report:

That the Senate report in this case very lucidly and fully presents the facts as they appear to this committee, and therefore is adopted.

#### SENATE REPORT.

This bill proposes to place upon the pension-rolls Rachel Dixon, dependent mother of James Dixon, deceased, late of Company A, Forty-ninth Regiment of Ohio Volunteers.

This soldier enlisted August 6, 1861, re-enlisted January 1, 1864, as a veteran, and was discharged March 3, 1865, on a surgeon's certificate of disability.

He was pensioned for gunshot wound at the rate of \$5 per month, commencing March 3, 1865. He died March 24, 1874, and at date of his death was unmarried.

On the 13th of April, 1875, his mother, the claimant under this bill, made application for pension, alleging that "while in the service and line of his duty contracted a disability of which he died, and that she was dependent upon him for support."

The Commissioner of Pensions rejected the claim on the ground that the soldier's death from lung disease was not due to the gunshot wound of right arm, for which pensioned, and is not believed susceptible otherwise of connection with the service.

The claimant is unable to furnish medical testimony showing treatment for lung trouble at date of the soldier's discharge from the service, and in fact any other except her own affidavits in support of her claim. She is now eighty years old and is dependent upon her son, a resident of Greenwood County, Kansas. He is poor, living upon a homestead. \* \* \* Cyrus Hart and Thomas M. Briggs swear—

"That they were for three years previous to and during the civil war of 1861 well acquainted with Rachel Dixon; \* \* \* that she lived in the immediate neighborhood in which they lived at that time; \* \* \* that said Rachel Dixon was during all that time a widow; that she had a son, James Dixon, a young man, who remained at home and worked for her, and rendered to her all the assistance he could for her support until and up to the time when he enlisted. At that time young men of his age were worth and could earn \$12 per month."

The testimony as to her dependence is sufficient. She has been a widow since 1850 and furnished three sons for the defense of the Government. One died from wounds and results of disease incurred in the service; another is a pensioner on account of wounds; and the other has a large family which he is barely able to support.

Considering the extreme age of this claimant, your committee are of the belief that to grant her a pension would be an act of justice, and they recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### M. CORNELIA BROWN.

The next business on the Private Calendar was the bill (S. 758) granting a pension to M. Cornelia 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, subject to the provisions and limitations of the pension laws, the name of M. Cornelia Brown, widow of Milton Brown, late first lieutenant of Company K, Ninety-first Regiment Ohio Volunteer Infantry, and captain of Company E, same regiment.

The report (by Mr. MORRILL) was read, as follows:—

The Committee on Invalid Pensions, to whom was referred the bill (S. 758) granting a pension to M. Cornelia Brown, submit the following report: That the facts in this case are very clearly and fully set forth by the Senate report attached hereto, which report is adopted by your committee.

#### SENATE REPORT.

The Committee on Pensions, to whom was referred the bill granting a pension to M. Cornelia Brown, have examined the same and report:

This claimant is the widow of Milton Brown, who enlisted August 5, 1862, in Company K, Ninety-first Regiment of Ohio Volunteers. He entered the service as a sergeant, and was promoted to the rank of second lieutenant, and was honorably discharged and mustered out with his company June 24, 1865.

On May 15, 1868, he made application for a pension, alleging "that at Martinsburgh, W. Va., in July, 1864, he contracted hay fever, which has continued to the present time, and has affected both eyes during the whole period." That he was never treated in the hospital, but was treated by Dr. Warwick, the regimental surgeon.

Dr. Willard A. Hall, of Chillicothe, Ohio, makes affidavit under date of January 18, 1889, to treatment for disease of eyes, that he was the family physician of the claimant from March, 1876, to same time in 1879, and that he was disabled for the performance of manual labor three-fourths of the time. The claimant was directed to appear for examination before the board of examining surgeons at Emporia, Kans., under date of July 10, 1888, but failed to appear owing to his absence in Ohio.

On May 28, 1889, he was killed by a cyclone. His widow made an attempt to finish the claim, but for some unknown reason failed to complete the case. In the same frightful catastrophe which robbed this family of husband and father, his wife, the claimant under this bill, had her leg broken and amputated above the knee, leaving her helpless for life. Her son, aged nineteen, the eldest of five children, had a leg badly broken and his shoulder dislocated. Her second son, seventeen years of age, is a cripple for life. A little daughter, eleven years old, had her ankle broken, and a daughter, sixteen years of age and very delicate, is the support of the family. Their farm is mortgaged for all it is worth, and, altogether, it is a case that appeals strongly to the sympathies of the Senate. We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### THOMAS H. GOHAGAN.

The next business on the Private Calendar was the bill (H. R. 8371) to increase the pension of Thomas N. Gohegan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Thomas N. Gohegan, late of the Twelfth Kansas Infantry, to \$72 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8371) to increase the pension to Thomas N. Gohegan, submit the following report:

The claimant, Thomas N. Gohagen, drummer of Company B, Van Horn's Battalion, United States Reserve Corps, Missouri Volunteers, enlisted July 16, 1861; mustered out October 29, 1861; enlisted in Company B, Twelfth Kansas Volunteers, August 22, 1862; discharged September 15, 1865. Was pensioned for hernia in 1881, and increased to \$8 for same disability in 1884. Filed claim for disease of eyes December, 1886, alleging total blindness of left eye and partial blindness of right eye, the latter the result of sympathetic affection.

Claimant alleges that this disability was incurred on or about the 20th day of July, 1861, while serving in Company B, Van Horn's Battalion, in the vicinity of Harrisonville, Mo., in line of duty in battle, while working a field-piece. Claimant became very warm, and threw off coat and hat, which were lost, and claimant was exposed to the rain and storm without shelter, which caused him to take severe cold, which settled in his eyes.

Dr. Thorne testifies that he was surgeon in charge of the expedition, corroborating claimant's allegation as to time and place, stating that he examined and gave him treatment for sore eyes, and in a few days sent him to hospital at Kansas City; that he returned to that place himself in a few days and treated claimant for iritis; that claimant left the hospital under his protest, went and joined his command, went with it to Lexington, Mo., where after much exposure he was captured at the surrender of that place, paroled, and returned again to the hospital almost blind; that he then continued to treat him until spring of 1862; that when claimant left hospital he had opacity of one eye.

Second Lieutenant O'Neil, of Company B, Van Horn's Battalion, testifies that the claimant was in charge of a 10-pound cannon at the engagement; to the losing of his shoes and hat, and exposure to rain without shelter; that in the course of a day or two claimant was sent to Kansas City on account of sore eyes; that he remained away under treatment until about the middle of the following September, when he rejoined the command and took charge of the gun, although still suffering with inflamed eyes; he went with the command to Lexington, and during the ten days' siege was much exposed, he being considered as the best gunner of the command, and at the end of the siege his eyes were much inflamed, and that he seemed to be nearly blind.

Capt. William O. Hubbell, of the Twelfth Kansas, testifies that he was at that time a member of a Kansas militia company, and at the battle near Harrisonville, and that a day or two after the battle he first formed acquaintance of claimant, who had a handkerchief tied over his eye; that claimant attracted particular attention on account of his soldierly appearance and knowledge of military tactics, being at the time engaged in drilling a squad; that he entered into conversation with claimant, who informed him that he had received a slight injury while working a field-gun at the fight, which he regarded as a small matter, but from exposure in the rain without shelter he had taken cold, which had settled in his eyes.

Captain Hubbell also testifies that he met claimant in September, 1862, as he was being mustered in as principal musician of the Twelfth Kansas; that claimant told him that he had lost the sight of left eye from injury received at Harrisonville; that to a casual observer his eye would not be noticed, but upon close examination he found it to look dim and dull, and that he was satisfied that he was blind in that eye. Edward McCarty, a private in Company B, Van Horn's Battalion, corroborates other testimony as to incurrence of disability at Harrisonville, Mo.

This claim was finally rejected at the Pension Office in March, 1890. Was given into the hands of a special examiner September 22, 1888, who recommended its rejection on account of his belief that Dr. Thorne and Captain Hubbell were very willing witnesses; that Dr. Thorne's testimony in some other case he believed to be not just right, although admitting that Dr. Thorne's reputation, where he lives, for truth and veracity to be good. From the reading of the special examiner's report your committee is inclined to believe that he is a man of very strong prejudices; having previously formed an unfavorable opinion of Dr. Thorne, he would not be a suitable judge-advocate for the case. Claim was referred to another special examiner October 29, 1889, who says: "I am inclined to give the soldier the benefit of the doubt, and more espe-

cially as he is shown to have rendered conspicuous and valuable service and is now blind and destitute."

Your committee find from the testimony that the claimant was at that early stage of the war very conspicuous on account of his military training, which he had received in the English army and navy; that he rendered valuable services in drilling the soldiers; that at the battle near Harrisonville he took charge of a field-gun and displayed extraordinary ability; and at the siege of Lexington excited comment for valor and ability, and was recommended for promotion.

Many of the best citizens of Lawrence, Kans., testify that he is in destitute circumstances, blind, and being led about by his little boy. Therefore, if there be a doubt in this case, your committee are disposed to favor the claimant and recommend that the bill do pass with the following amendments:

To insert "forty" instead of "seventy-two" in line 5. Also to strike out the middle letter "N" and insert "H," and the letter "e" and insert "a," so that the name will be Thomas H. Gohagan.

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI H. NARON.

The next business on the Private Calendar was the bill (H. R. 1906) granting a pension to Levi H. Naron.

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 Levi H. Naron, late a captain and chief of scouts in the United States Army during the late war, in the Department of the Mississippi.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1906) granting a pension to Levi H. Naron, submit the following report:

The claimant in this case was a citizen of Mississippi and owner of a fine plantation at the breaking out of the late war. Being a strong Union man he disposed of his property, came within the Union lines, and entered the service of the Government as a scout. He served as chief of scouts during nearly the entire war, under Generals Rosecrans, Dodge, Grierson, and others.

While on a raid with General Grierson's forces in February, 1865, during an attack by the enemy, his horse fell with him, severely injuring his left hip, from which injury he is still suffering, as shown by the medical certificate on file in the case.

There is no question as to the incurrence of the disability, but his claim for pension has been rejected by the Pension Office on the ground that there is no provision in the general law under which he could be pensioned.

The value of Mr. Naron's services to the armies in which he served is clearly shown by the testimonials of Generals Rosecrans and Dodge before your committee.

It has always been the rule of the House to provide pensions to scouts who were injured while in the performance of their duties, a fact which is shown to the satisfaction of your committee in this case.

Naron is now old, much disabled, and in need of assistance from the Government which he served so well.

The bill is therefore returned with the recommendation that it do pass, with the following amendment: Add "and pay him a pension at the rate he would be entitled to had he been regularly mustered into service as a captain."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ARNOLD MEYER.

The next business on the Private Calendar was the bill (H. R. 1994) to increase the pension of Arnold Meyer.

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 Arnold Meyer, late private in Company C, Fifteenth Regiment Missouri Volunteer Infantry, and to pay him a pension at the rate provided by law for total blindness.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1994) to increase the pension to Arnold Meyer, submit the following report:

The claimant, Arnold Meyer, enlisted in Company C, Fifteenth Missouri Volunteer Infantry, on the 3d day of September, 1861, discharged June 13, 1865. Claimant received an injury in the right eye at the battle of Missionary Ridge, which, in June, 1865, resulted in the loss of sight of that eye. On the 3d of August, 1885, claimant lost the sight of the other eye by an accident while running a saw in a bucket factory at St. Louis, Mo.

Three witnesses testify that his eyesight was very deficient, and on that account he was working on boy's or half wages, and that in their opinion the deficiency in eyesight, the claimant having but one eye, was the cause of the accident. Claimant was putting a slab on the carriage, when, by misplacing it by his imperfect sight, a piece of slab was thrown by the saw, which struck him in the left eye, which destroyed the sight, causing total blindness.

Claimant made application for pension April 5, 1886, alleging loss of sight of right eye resulting from injury received at battle of Missionary Ridge, and loss of left eye as before stated. He was granted a pension of \$3 per month January 18, 1889, for loss of sight of right eye, the examiner deciding that loss of sight of left eye was not due to his service. John Sidek testified that he was present when claimant met with the accident which caused the loss of his left eye, and that the deficient eyesight of the claimant was the cause of said accident, and that in his seventeen years of service in the factory no other accident of that nature had occurred.

Owing to the fact that the soldier lost the sight of one eye resulting from his military service, and the other by accident which may be attributed indirectly to his service, and the fact of his long service, being nearly four years, with good reputation as a soldier, and being in needy circumstances, induce your committee to give him the benefit of the doubt with favorable report that the bill do pass, with the following amendment: Strike out all after the word "rate," in line 7, and insert in its stead "of \$40 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN DUNN.

The next business on the Private Calendar was the bill (H. R. 3066) granting a pension to John Dunn.

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 Dunn, late a private in Company K, Sixth New York Heavy Artillery Volunteers, and to pay him a pension subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3066) granting a pension to John Dunn, submit the following report:

The papers on file in the Pension Office show that Dunn, the soldier, served as a private in Company K, Sixth New York Heavy Artillery, from August 25, 1864, to June 28, 1865; that he applied for a pension for gunshot wound received in battle and for a rupture caused on or about the same time. The claim was rejected in January, 1889, for the reason of failure to show a pensionable disability and to show that the rupture arose from his military service.

The soldier in his declaration states that "at Cedar Creek, Va., on or about the 19th of October, 1864, he was wounded in the left leg by a musket bullet, and on the day previous, while advancing through the underbrush, he was violently thrown to the ground, receiving a severe rupture therefrom."

In a subsequent affidavit, that he received a gunshot wound in the left leg between the ankle and the knee, received at the battle of Cedar Creek, October 19, 1864, and a rupture received at the same place on the same day, from both of which he still suffers.

Benjamin Hilton, a member of the same regiment, and present at the battle of Cedar Creek, states that on the morning of October 20, 1864, deponent saw said John Dunn on the battle-field lying among the dead and wounded. Dunn complained of being wounded in the leg, and from inquiries made by deponent he ascertained that such was the fact; he afterwards, on the same day, saw said Dunn carried away with the wounded to Newtown, and deponent further says that he afterwards, on numerous occasions, had conversations with said Dunn; in which he complained of having been ruptured and pointed out the place; that deponent examined the same at the time, and while in the service, and discovered that such was the fact.

Henry J. Underhill, another member of the same regiment, and present at the said battle, testifies that on the evening of the day of said battle, or on the evening subsequent thereto, he saw said John Dunn at Trinity Church, Middletown, lying among those who were wounded at said battle of Cedar Creek, and complaining of a wound received in the leg at said battle; also, of a rupture received at the same time; and deponent further says that the said Dunn, at or about said time, exhibited to deponent such rupture, and complained of the suffering he endured.

Dr. Herman Bendell, of the city of Albany, testifies that he examined said Dunn at the time of his enlistment, and states:

"I now remember said John Dunn was in every particular qualified for the duties of a soldier; he was not ruptured; he was accepted and assigned to duty."

The evidence shows that Dunn was an illiterate man, unable to read or write, an Irishman by birth, and occasionally using liquors to excess; but an absence of evidence showing him to be an unreliable man as to truthfulness.

The case has twice been sent to a special examiner, one of whom reported against the claim, and in the other the examiner states:

"I believe this claim to be meritorious, but insufficiently proven."

The main point made against the claim at the office is that the claimant, in his declaration, speaks of the rupture as having been occasioned the day before the battle, and in a subsequent affidavit it may be construed that he claimed it to have been received the day of the battle; but, as it is established that he had no rupture at the time of enlistment, and was ruptured while in the service, and that the rupture still continues, your committee believe that the rupture was incurred at or about the time of the battle, that the claim is meritorious, and they therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISABELLA WENTWORTH.

The next business on the Private Calendar was the bill (H. R. 6995) for the relief of Isabella Wentworth.

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 Isabella Wentworth, widow of Leonard Wentworth, late a warrant officer in the United States Navy, and pay her a pension from and after the passage of this act.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6995) for the relief of Isabella Wentworth, submit the following report:

That Mrs. Wentworth is the widow of Leonard Wentworth, late an acting carpenter in the Navy, serving as such on board the Marion, the New Ironsides, the St. Lawrence, and the Jamestown, from June 5, 1861, until September, 1864, when he was discharged from the service on the ground that he was affected with chronic bronchitis and disease of both lungs, accompanied with constant and copious expectoration, and that there were no grounds to expect his recovery.

The evidence shows that the sailor died March 18, 1870. The fact that he died from disease of the lungs and larynx, from which he suffered from the time of his discharge from the service, is undisputed.

Mrs. Wentworth applied for a pension, but the same was rejected on the ground that "the fatal disease existed for one or two years before enlistment and was greatly aggravated by intemperance and debauchery while on shore."

The only evidence to sustain this statement to be found among the papers is a letter from the Surgeon-General United States Navy, of the date of July 3, 1862; that the records of the Marion, on which he served from June 15, 1861, to May, 1862, states that he (the sailor) "has had repeated 'similar attacks' (cough, pains in upper part of the chest, and profuse expectoration) during the past year or two."

The only evidence as to intemperance is the certificate of the examining physicians upon which he was discharged, in which they speak of his excessive drinking when ashore.

On the other side we have the fact that when he enlisted he was examined by United States officers and pronounced sound, and as such received into the United States service. There are also the affidavits of two men living at the home of the sailor, whose character is shown to be good, who had known him intimately for over twenty-five years before his death, knew him intimately before and at the time of his enlistment and subsequent to his dismissal from the service, and they unite in saying that the sailor at the time of his enlistment was in sound and perfect health, and that at no time, either before or after his naval service, was he addicted to the use of intoxicating drinks or beverages.

Your committee believe that the testimony of those two witnesses, whose character is certified to be good at the Pension Office, ought to be regarded as satisfactory that the claim of this poor widow is a just and meritorious one, and they therefore recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.  
The motion was agreed to.

The committee accordingly rose; and Mr. PERKINS having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, reported that the Committee of the Whole on the Private Calendar had had under consideration sundry bills, and had directed him to report the same to the House with various recommendations; and had also recommended that the bill (H. R. 6905) granting a pension to Byron McIntyre be recommitted to the Committee on Invalid Pensions.

## BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

- A bill (H. R. 7577) granting a pension to William H. Chapman;  
A bill (H. R. 7514) granting a pension to Johanna Sheld;  
A bill (H. R. 5777) for increasing the pension of Sarah Dabney, a Revolutionary pensioner;  
A bill (H. R. 7586) granting a pension to James O'Donnell;  
A bill (H. R. 1271) for the relief of Sanford A. Pinyan;  
A bill (H. R. 7914) granting a pension to Jay Marvin;  
A bill (H. R. 7588) granting a pension to David Rose;  
A bill (H. R. 5050) granting a pension to Dolly Blazer;  
A bill (H. R. 6280) granting a pension to Lawrence Dougherty;  
A bill (H. R. 5709) granting a pension to Sarah A. Harrison;  
A bill (H. R. 4967) granting a pension to Mrs. Catharine Reed;  
A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;  
A bill (H. R. 3261) granting a pension to Sarah Connally;  
A bill (H. R. 3259) granting a pension to Simon Beakler;  
A bill (H. R. 3153) granting a pension to Elizabeth Bennett;  
A bill (H. R. 1110) granting a pension to William J. Bryan;  
A bill (H. R. 2317) granting a pension to Anna McCreary;  
A bill (H. R. 4355) for the relief of Emiline Beam, mother of Isaac W. Beam;  
A bill (H. R. 3065) granting a pension to Mary Donohue;  
A bill (H. R. 4522) granting a pension to J. N. Jordan;  
A bill (H. R. 3242) granting a pension to Sarah Devine, mother of Jesse Chapman;  
A bill (H. R. 7866) granting a pension to Harriet E. Cooper;  
A bill (H. R. 7829) granting arrears of pension to Hermann F. A. Roedell;  
A bill (H. R. 6388) granting a pension to Peter Peterson;  
A bill (H. R. 4246) granting a pension to Bridget Lynch;  
A bill (H. R. 3224) granting a pension to Sally Powell;  
A bill (H. R. 7076) to increase the pension of Cornelius J. Wiley;  
A bill (H. R. 6606) granting a pension to William F. Reed;  
A bill (H. R. 7958) granting a pension to Christopher C. Funk;  
A bill (H. R. 6391) granting a pension to Mrs. Margaret A. Jacoby;  
A bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford;  
A bill (H. R. 7367) for the relief of Sarah M. Williams;  
A bill (H. R. 6913) granting a pension to Alexander G. Davis;  
A bill (H. R. 5014) for the relief of Ernst Barth;  
A bill (H. R. 2481) granting a pension to Bridget Tole;  
A bill (H. R. 4851) granting a pension to Eliza J. Glass;  
A bill (H. R. 7529) granting a pension to Belle Morrison;  
A bill (H. R. 2469) increasing the pension of Thomas Ward;  
A bill (H. R. 2385) granting a pension to Barney McArdle;  
A bill (H. R. 7369) to restore the pension of Jane M. McCrabb;  
A bill (H. R. 7675) for the relief of Stephen A. Kennedy;  
A bill (H. R. 5111) for the relief of William Allen;  
A bill (H. R. 6305) for the relief of Hayden Sorter;  
A bill (H. R. 2590) granting a pension to Charles E. Scott;  
A bill (H. R. 4807) for the relief of Lydia G. Carnes;  
A bill (H. R. 3066) granting a pension to John Dunn; and  
A bill (H. R. 6995) for the relief of Isabella Wentworth.  
House bills of the following titles, reported from the Committee of the Whole with amendments, were taken up, the amendments concurred in, and the bills as amended severally engrossed, read the third time, and passed:  
A bill (H. R. 2318) granting a pension to Malinda Foreman;  
A bill (H. R. 3034) granting a pension to George W. Pitner;  
A bill (H. R. 4534) granting a pension to William Edwards;  
A bill (H. R. 6622) granting a pension to Ella Harbison;  
A bill (H. R. 6211) granting a pension to John S. Lozier;  
A bill (H. R. 1155) granting a pension to Francis M. Hull;  
A bill (H. R. 5108) for the relief of George W. Hutchison;  
A bill (H. R. 5107) for the relief of David L. Truex;  
A bill (H. R. 6089) granting an increase of pension to George Uhl;  
A bill (H. R. 4895) to increase the pension of Everhard Welter;  
A bill (H. R. 6992) to pension Susan E. Freeman;  
A bill (H. R. 2139) for the relief of Valeria B. Elliott;  
A bill (H. R. 4415) for the relief of John S. Dill;  
A bill (H. R. 4185) to increase the pension of Mrs. Antonia B. Lynch;  
A bill (H. R. 8371) to increase the pension of Thomas H. Gohagan;

A bill (H. R. 5098) for the relief of William A. Bengé;  
A bill (H. R. 7952) to increase the pension of Joel Hagler, of Henry County, Tennessee;  
A bill (H. R. 6843) for the relief of Jacob Theby;  
A bill (H. R. 6518) authorizing the Secretary of War to remove the charge of desertion against Mark F. Jones;  
A bill (H. R. 1906) granting a pension to Levi H. Naron; and  
A bill (H. R. 1994) to increase the pension of Arnold Meyer.  
Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up and ordered to a third reading; and they were accordingly read the third time, and passed:

- A bill (S. 218) granting a pension to George W. Padgett;  
A bill (S. 2064) placing the name of Bridget White on the pension-rolls;  
A bill (S. 511) granting a pension to Anna A. Probert;  
A bill (S. 1371) granting a pension to John C. Abbott;  
A bill (S. 338) granting a pension to Sarah E. Stewart;  
A bill (S. 1362) for the relief of Mary B. Hook;  
A bill (S. 700) granting a pension to Jonathan Hayes;  
A bill (S. 252) granting a pension to John Gallagher;  
A bill (S. 133) to increase the pension of Thomas Chapman;  
A bill (S. 800) granting a pension to John Watson;  
A bill (S. 19) to pension Bartola Thebaut, a soldier in the Florida Seminole Indian war of 1849 and 1850;  
A bill (S. 647) granting a pension to Catharine Simmonds;  
A bill (S. 778) granting a pension to William Church;  
A bill (S. 788) granting a pension to William H. Mays;  
A bill (S. 812) granting a pension to Robert A. Bride or McBride;  
A bill (S. 782) granting a pension to Rachel Dixon, mother of James Dixon, deceased; and  
A bill (S. 758) granting a pension to M. Cornelia Brown.  
Senate bills of the following titles, reported from the Committee of the Whole with amendments, were taken up, the amendments concurred in, and the bills as amended read the third time, and passed:  
A bill (S. 1307) granting a pension to Lydia K. White, a volunteer army nurse; and  
A bill (S. 1339) granting a pension to Joanna W. Turner.  
Bills reported from the Committee of the Whole House, with titles amended so-as to read as follows, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed for a third reading, read the third time, and passed:  
A bill (H. R. 7330) granting a pension to William R. Arey;  
A bill (H. R. 7659) granting a pension to Warner M. Ellis;  
A bill (H. R. 4190) granting a pension to Mrs. Susannah D. Clark; and  
A bill (H. R. 5719) for the relief of Harrison Tryon.

## BYRON R. M'INTYRE.

The bill (H. R. 6905) granting a pension to Byron R. McIntyre was taken up and recommitted to the Committee on Invalid Pensions, in accordance with the recommendation of the Committee of the Whole House.

Mr. MORRILL. I suggest that all reports relating to bills passed this evening be printed in the RECORD, whether those reports have been read or not.

The SPEAKER *pro tempore*. That order will be made, if there be no objection.

There was no objection.

## QUINCY J. DRAKE.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (H. R. 9463) granting a pension to Quincy J. Drake. 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 Quincy J. Drake, late second lieutenant of Company H, Twelfth Regiment Illinois Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9463) granting a pension to Quincy J. Drake, submit the following report:

The claimant enlisted April 15, 1861, in Company E, Twelfth Illinois Volunteers, three months' organization, and was mustered out August 1, 1861. He again enlisted on same day in Company A of said regiment, three years' organization, was promoted to second lieutenant of Company H, same command, to date from April 19, 1862, and was finally discharged July 3, 1865. In January, 1863, he was detached and assigned to duty in the quartermaster's department at Paducah, Ky., and later at St. Louis, Mo., under Capt. Charles Parsons, assistant quartermaster, now president of the State Bank of said city.

Upon the request of the Quartermaster-General, dated October 19, 1864, Lieutenant Drake was ordered to Washington, D. C., for assignment to duty. Prior to that time he had obtained a leave of absence for thirty days to visit his home in New York. While on such leave and long prior to its expiration he received an order from Captain Parsons to resume his duties at St. Louis and turn over his office and effects, preparatory to reporting to the Quartermaster-General, with the understanding, however, that he should finish his leave at some later period.

This order was carried out, and after Lieutenant Drake had reported at Washington he obtained permission from Col. L. B. Parsons, chief quartermaster of river and railway transportation, to complete his leave of absence, and left Washington for Rochester, N. Y., on the evening of January 6, 1865. On the following morning the train on which he was traveling was run into by a freight train, and in the collision several persons were killed and wounded, among the latter the claimant, who lost a portion of the right ear, and was se-

verely injured in the head and right side, from which injuries he was a constant sufferer until, in 1883, he suffered from a stroke of paralysis, which was followed by another in 1886, causing him to become totally helpless, so as to require the regular aid and attendance of another person.

There is no dispute whatever as to the injury under the circumstances alleged, as well as the serious results following upon the same, because the evidence on these points is conclusive. But the claim has been rejected by the Pension Office, for the reason that the general pension laws do not provide for injuries incurred while on furlough, other than sick or veteran.

Your committee, however, are of opinion that the claim is meritorious, and that relief should be granted the claimant, who served his country faithfully from the very commencement of the war until its final close, and therefore report favorably on the accompanying bill and ask that it do pass.

Mr. KERR, of Iowa. I would like to hear some explanation of this bill.

Mr. BAKER. This soldier, having been on furlough, was summoned back to duty before the expiration of his furlough, upon the promise that he should have the opportunity to finish the furlough later, when the exigencies of the service did not require his attendance. In accordance with that understanding he returned to St. Louis, turned over his office and effects there, and reported to Colonel Parsons for the performance of special duty. On his way to Rochester he met with an accident in a railroad collision in which six or eight soldiers were killed, and he was maimed so that from that day to this he has been a helpless paralytic, constantly under the doctor's care, and requiring the regular attendance of one or more persons. [Cries of "Vote!" "Vote!"]

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

MICHAEL FLAHERTY.

Mr. TRACEY. I ask unanimous consent that the House now proceed to consider the bill (H. R. 18) to remove the charge of desertion from the record of Michael Flaherty.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he hereby is, 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 Michael Flaherty, late a private in Company H, Ninety-first Regiment of New York Volunteers, and to grant an honorable discharge to the said Michael Flaherty as a private of said company as of the date of July 3, 1865.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, having had under consideration House bill 18, respectfully report:

The records of the War Department show that Michael Flaherty was enrolled and mustered into service on March 3, 1865, at New York City, and was assigned to Company H, Ninety-first New York Volunteers, March 14, 1865. That he was present with the company from that date to May 23, 1865, when he deserted; and that during his service Flaherty's regiment participated in the following battles: Gravelly Run, Hatcher's Run, Five Forks, and Appomattox.

Flaherty makes affidavit that when he enlisted he was but fifteen years old, and that he was wounded in the right hip at the battle of Gravelly Run, and that he remained with his regiment until May 22, 1865, on which date the regiment was stationed at Arlington Heights, waiting to be mustered out of service; that on May 22 he obtained leave of absence from the camp, and while walking in the country he was taken suddenly very ill, and became delirious, and was found by people who took him to the house of an old man who cared for him during a two months' illness, and that before he recovered his regiment had been mustered out of service.

There is no doubt that Flaherty has made repeated efforts to find persons who might corroborate his testimony, but he has not succeeded. Letters from many prominent citizens testify to his high standing in the community and to their confidence in his statements being true. Although your committee would ordinarily insist upon further evidence, they have taken into account the fact that Flaherty was under age when he enlisted and that he did not shirk his duty while the war lasted, and that his statement is not contradicted by any record.

Consequently the committee deems it proper to recommend that the bill pass.

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

DWIGHT PARKER.

Mr. ALLEN, of Michigan. I ask unanimous consent to have considered at this time the bill (H. R. 9353) granting a pension to Dwight Parker.

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 the name of Dwight Parker, son of Morgan Parker, late private in Company F, First Regiment Michigan Engineers and Mechanics, now deceased, upon the pension-roll of the United States, and to pay said Dwight Parker a pension, from and after the approval of this act, at the rate of \$18 per month.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9353) granting a pension to Dwight Parker, submit the following report:

The claimant and beneficiary of this bill is the physically helpless son of Morgan Parker, who was a sergeant in the First Regiment Michigan Engineers, and who died from exposure while in the service in the year 1862. The widow of the said Morgan Parker was granted a pension to the time of her death, which occurred in the year 1881.

The claimant is and has always been physically helpless, unable to perform any labor, manual or clerical, and is dependent upon charity. He also had two brothers, who were in the service for long terms, and there contracted disease from exposure, and as a consequence thereof are unable to do more than care for themselves.

A. R. Kirby, M. D., swears as follows:

COUNTY OF MONROE, ss:

Dr. R. R. Kirby, being duly sworn, deposes and says that he, deponent, resides in the village of Petersburg, said county; that this deponent is a physician and surgeon, and has practiced as such in and about said village for more than twenty years next last past; this deponent knows Dwight Parker well, and has seen

and examined him, and deponent knows from actual examination that said Dwight is deficient physically; it is also apparent to the casual observer that he is unable to perform any kind of labor, manual or otherwise; he is very small in stature, with curvature of spine; he is clumsy and stupid, and very much like a feeble old man; he is poor and without means of support, and is dependent for his living and clothing upon the charity of his friends; deponent is a member and commander of Morgan Parker Post, Grand Army of the Republic, 281, of said village, Department of Michigan, and said post was named after said Morgan Parker, father of said Dwight Parker, because of his manly deportment as a citizen and his unwavering devotion to the cause of the Union, and losing his life in its defense.

RESTCOM R. KIRBY, M. D.

Sworn and subscribed to before me this 4th day of March, 1890.

JOHN O. ZABEL,

Notary Public for Monroe County, Michigan.

Samuel L. Jones swears:

STATE OF MICHIGAN, County of Monroe, ss:

Samuel L. Jones, M. D., being duly sworn, deposes that he is a physician and surgeon, and has been practicing said profession for more than thirty years next last past. That this deponent is a resident of Petersburg, said county; that this deponent has known Dwight Parker for about twenty years, and has treated him professionally, and treated his mother in her lifetime; said Dwight is physically deficient and incompetent to perform any kind of labor; he is dwarfish and very small and clumsy, very much like a feeble old man; he requires an attendant the most of the time; the facts above stated are known to me by actual observation and examination; said Dwight has no means, and is dependent upon the charity of his friends for his support.

SAMUEL L. JONES, M. D.,

Late Assistant Surgeon, Eleventh Michigan Infantry.

Sworn and subscribed to before me this 4th day of March, 1890.

JOHN O. ZABEL,

Notary Public for Monroe County, Michigan.

Horace J. Breningstall swears:

STATE OF MICHIGAN, County of Monroe, ss:

Horace J. Breningstall, being duly sworn, deposes and says that he resides in the village of Petersburg, said county, and is the postmaster at said village; this deponent was well acquainted with Morgan Parker in his lifetime, and all of the members of his family; there were three sons and two daughters; said Morgan lost his life in the late war; two of the sons went; Dwight Parker, the other son, is deficient and small, not taller than a six or seven year old boy, and unable to perform any kind of labor whatever; he was dependent upon his father for a living; after his father's death in 1862 his mother took care of him until her death in 1881, since which time the said Dwight has been living upon the kindness and charity of his friends; his mother drew a pension of \$8 per month up to the time of her death; not only did Dwight's father and two brothers go to the war, but he had seven uncles and many cousins go also; his father and mother died poor, and Dwight and his brothers and sisters are poor and without property; Dwight's father died at the age of forty-two years.

HORACE J. BRENINGSTALL,

Sworn and subscribed to before me the 4th day of March, 1890.

JOHN O. ZABEL,

Notary Public, Monroe County.

Your committee, believing the claim a just one, recommends the passage of the bill.

Mr. ALLEN, of Michigan. Mr. Chairman, Morgan Parker, the father of the beneficiary in this bill, was a soldier in the late war and died in the service. Two brothers of the claimant were also soldiers, and their health was greatly impaired in the service. They are poor men, and this boy has no one to depend upon for support. He is an imbecile, totally unable to care for himself.

Mr. MORRILL. The bill should be amended by inserting after the word "pay," in the seventh line, the words "to his legally constituted guardian." As the beneficiary is an imbecile, this amendment is necessary.

Mr. ALLEN, of Michigan. That is all right.

The SPEAKER *pro tempore*. In the absence of objection the amendment suggested by the gentleman from Kansas [Mr. MORRILL] will be agreed to.

The amendment was adopted.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM CROWFORD.

Mr. STEWART, of Georgia. I ask unanimous consent for the present consideration of the bill (H. R. 6757) granting a pension to William Crowford.

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 William Crowford, of Spalding County, Georgia, who was a private soldier in Capt. James T. Ellis's company, in the Creek Indian war of 1836.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6757) granting a pension to William Crowford, have considered the same, and report:

The claimant, William Crowford, was a private in Capt. James T. Ellis's company, Georgia Volunteers, Creek Indian war, from May 13, 1836, to June 23, 1836. He resides in Griffin, Ga.

The gentleman who introduced the bill in the House knows the claimant personally, and states that he is about seventy-five years old and nearly blind. He is an object of pity, having no property and dependent upon others for food and clothing.

The committee has recognized the merit of cases of this kind by reporting a general bill for their relief to the House.

The passage of the bill for the relief of William Crowford is recommended with the following amendment:

Add to the last word of said bill the words "and allow him a pension at \$20 per month."

The amendment recommended by the committee in the concluding paragraph of the report was read, and agreed to.

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

AMELIA M. McALLISTER.

Mr. MORROW. I ask for the present consideration of the bill (S. 1008) granting a pension to Amelia M. McAllister.

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 Amelia M. McAllister, widow of the late Col. Julian McAllister, United States Army, at the rate of \$50 per month, in lieu of the pension which she now receives.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1008) granting an increase of pension to Amelia H. McAllister, submit the following report:

That this bill passed the Senate, being reported to that body by Senator SAWYER, whose report is annexed. Your committee would add that Colonel McAllister lived one year more he could have been retired on three-fourths pay, and that there is no doubt his change from San Francisco, where he had been for eighteen years, to the colder climate of New York contributed to his death. Your committee therefore recommend that the bill as amended by the Senate do pass.

[Senate Report No. 222, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1008) granting a pension to Amelia McAllister, have examined the same, and report:

This is a bill to increase the pension of Mrs. Amelia McAllister, widow of Julian McAllister, late a colonel in the United States Army. She was granted a pension January 24, 1887, at the rate of \$30 per month, the highest rate that can be allowed under the pension law. In support of her appeal to Congress for an increase Mrs. McAllister makes the statement that her income from her husband's estate, which is encumbered, is insufficient for the comfortable support of herself and child.

Colonel McAllister passed thirty years of his life in the Army, served in the Mexican and in the late war. He never had any other than a military occupation, never had an opportunity to accumulate property, or to provide even a moderately sufficient support for his family.

In view, therefore, of her husband's long service, the value of which is attested by his Army associates, and the dependent condition of his family, the bill is reported, with an amendment by striking out of the sixth line the words "one hundred" and inserting "fifty," so that it will read "at the rate of \$50 per month."

As so amended the bill is reported favorably with a recommendation that it do pass.

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

PETER CRENSHAW.

Mr. WHEELER, of Alabama. I ask unanimous consent that the House now consider the bill (H. R. 3164) for the relief of Peter Crenshaw.

The bill was read, as follows:

*Be it enacted, etc.,* That the Adjutant-General of the Army be, and he is hereby, directed to remove the charge of being "absent without leave," which now appears against Peter Crenshaw, on the rolls of Company B, of the One hundred and eleventh Regiment United States Colored Infantry.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3164) for the relief of Peter Crenshaw, have had the same under consideration, and find that Peter Crenshaw enlisted in Company B, One hundred and eleventh United States Colored Infantry, on January 1, 1864, and was taken prisoner by a detachment of General Forrest's cavalry on September 25 at the Sulphur Trestle, 7 miles north of Athens, Ala. He escaped from his captors and made his way back to the lines of the Federal forces, reporting to Lieutenant-Colonel Wade, Seventy-third Indiana Volunteers, on Monday, the 3d of October, accompanied by his comrade and kinsman, Canady Crenshaw.

Colonel Wade did not know what to do with the two colored soldiers, and advised them to seek a temporary residence among the colored people in the vicinity, and, acting upon the suggestion, both soldiers went to their home, which was near by. Crenshaw had been home only a few days when he became very ill, as a consequence of the exposure and privation he had undergone during the week in which he was making good his escape from the Confederates. His cousin, Canady Crenshaw, was also detained by illness until the following May, when he started to rejoin his regiment, then at Mobile, Ala., leaving Peter Crenshaw at home still confined to his bed.

It was not until the 13th of August, 1865, that Peter Crenshaw was able to travel, and during his long illness he was repeatedly visited by members of his own company, among his visitors being First Sergeant Binford and Second Sergeant Foot, one of whom has since made an affidavit, now on file in the office of the Adjutant-General of the Army, setting forth Crenshaw's condition at the time he (the sergeant) called to see him. During this protracted illness Crenshaw was attended professionally by Dr. J. P. Carwan, whose affidavit to this fact is also on file in the Adjutant-General's Office, together with others of similar purport.

The committee find that on or about the 13th of August, 1865, Crenshaw applied to the provost-marshal and obtained transportation to rejoin his regiment, then stationed near Murfreesborough, Tenn., and a few days later he reported to Lieut. Joseph K. Nelson, then in command of his (Crenshaw's) company, being still ill and unfit for duty.

The committee find further that Crenshaw was detailed for duty for the first time after rejoining his regiment on October 2, and when he came off duty on the following day he became so ill that he was sent to the hospital in Murfreesborough, where he remained until October 26, when he was transferred to a hospital in Nashville, called the Field Hospital, and while under treatment in this hospital was attacked with the small-pox, when he was transferred to the Small-Pox Hospital No. 11, where he remained until April 29, 1866, when he rejoined his regiment, and was mustered out of the service the following day, April 30, 1866.

The committee are clearly of the opinion that the charge of being "absent without leave" was recorded against this soldier in consequence of his capture by the enemy, and his protracted illness resulting from the exposure undergone in making his escape, and that in justice it should be removed, and they therefore report the bill back with the recommendation that it do pass.

The committee append to their report the affidavit of Peter Crenshaw.

CITY OF WASHINGTON, District of Columbia:

Before me, James A. Tait, a notary public for the District aforesaid, personally appeared Peter Crenshaw, who, after being duly sworn according to law, says

that he is the Peter Crenshaw who was a private in Company B, One hundred and eleventh United States Colored Infantry; that he was taken prisoner by a detachment of General Forrest's cavalry on September 25, 1864, at the Sulphur Trestle, 7 miles north of Athens, Ala. He escaped from his captors and made his way back to the lines of the Federal forces, reporting to Lieutenant-Colonel Wade, Seventy-third Indiana Volunteers, on Monday, the 3d of October, accompanied by his comrade and kinsman, Canady Crenshaw.

Colonel Wade did not know what to do with the two colored soldiers and advised them to seek a temporary residence among the colored people of the vicinity, and, acting upon the suggestion, both soldiers went to their home, which was near by. Crenshaw had been home only a few days when he became ill, about October 15, as a consequence of the exposure and privation he had undergone during the week in which he was making good his escape from the Confederates. His cousin, Canady Crenshaw, was also detained by illness until the following May, when he started to rejoin his regiment, then at Mobile, Ala., leaving Peter Crenshaw at home still confined to his bed.

It was not until the 13th of August, 1865, that Peter Crenshaw was able to travel, and during his long illness he was visited by his first sergeant, Binford, and second sergeant, Foot. Binford has since made an affidavit, now on file in the office of the Adjutant-General of the Army, setting forth Crenshaw's condition at the time he (the sergeant) called to see him. Second Sergeant Foot's affidavit could have been procured had he not died a few years ago. During this protracted illness Crenshaw was attended professionally by Dr. J. P. Coman, whose affidavit to this fact is also on file in the Adjutant-General's Office, together with other affidavits of similar purport.

Affiant further states that on or about the 13th of August he rejoined his regiment near Murfreesborough, Tenn., and reported to Lieut. Joseph K. Nelson, then in command of Crenshaw's company, the soldier being still ill and unfit for duty. He was detailed for duty the first time after rejoining his regiment October 2, 1865, and on the following day he became so ill that he was sent to the hospital in Murfreesborough, where he remained until October 26, when he was transferred to the field hospital in Nashville, and while under treatment there was attacked with the small-pox, when he was sent to the Small-Pox Hospital No. 11, where he remained until April 29, 1866, when he rejoined his regiment, and was mustered out of the service the following day, April 30, 1866.

Affiant further states that he was not absent from his company a single day from the time of his enlistment until the date of his capture, September 25, 1864.

PETER CRENSHAW. [SEAL.]

Subscribed and sworn to before me this 24th day of March, 1890.

JAMES A. TAIT, [SEAL.]

Notary Public.

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

ELIJAH KILDAY.

Mr. TAYLOR, of Tennessee. I ask for the present consideration of the bill (H. R. 9782) granting a pension to Elijah Kilday.

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 Elijah Kilday, late a member of Colonel Fry's Tennessee Volunteers.

The report (by Mr. TAYLOR, of Tennessee) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9782) granting a pension to Elijah Kilday, submit the following report:

Elijah Kilday enlisted about November 15, 1861, in Greene County, Tennessee, under one Col. David Fry, who was at that time recruiting in East Tennessee for the Union Army. He entered upon the performance of his duties as a soldier and participated in the burning of the bridges in that section of the country. It then became necessary for the command under Colonel Fry to retreat towards the Federal lines in Kentucky, and while on said retreat, about February 9, 1862, they were overtaken by the enemy, and in the engagement which ensued, claimant received several shots in his body and both arms, from the effects of which he has ever since been seriously disabled.

Capt. Thomas H. Reeves, under whom claimant served and who was afterwards lieutenant-colonel Fourth Tennessee Volunteers, testifies that the claimant was a member of what was then known as the "East Tennessee Rebellion against the Southern Confederacy," or bridge-burning expedition. That the command was enlisted with the understanding that they were to proceed to Kentucky to be regularly mustered into the United States service, but that before the objects of said Colonel Fry were fully accomplished, the organization, about four hundred strong, was overpowered and scattered, some of the men making their way into Kentucky and re-enlisted in the several Tennessee regiments, while a number were killed in cold blood, and others taken prisoners. He further testifies that this claimant was severely wounded in both arms, from the effects of which he was disabled so that he could not possibly get through the lines to join the Army.

Susannah Hutchins and Elizabeth Andies testify that they saw Kilday being shot by the Confederates while attempting to escape; that he was brought to their house, where he remained a month before he could be removed, and while there was treated by Dr. John B. White.

Dr. John B. White testifies that about February 9, 1862, a squad of Confederate soldiers came to his house and told him that they had shot and wounded one Elijah Kilday near the widow Andies house, at foot of Chimney Top Mountain, and left him at said house.

Affiant went to the house and found that Kilday had been badly wounded in two places, one ball having struck the left arm, in the large muscle between the shoulder and elbow, crushing the bone, then running down and lodging in the elbow joint; the other shot taking effect just below the right elbow joint, passing through and crushing the same, ranging up and lodging near the joint of right shoulder. Affiant extracted both balls and attended claimant through his illness. He has been crippled for life.

As claimant's name has never been taken up on the rolls of any company regularly mustered into the United States service, he has no title to pension under the pension laws now in force. Had the evidence filed with Congress in January, 1873, been presented to the Pension Office instead, he could have been pensioned as a "volunteer" rendering service in an engagement with the enemy, under the provisions of paragraph 3, section 4693, Revised Statutes. But this was not done, and his only recourse is to come to Congress for special act.

There are numerous precedents for such legislation, and your committee feel warranted in returning the accompanying bill with the recommendation that it do pass.

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

FEDOLIN BUCKEVILLER.

Mr. YODER. I desire to call up the bill (H. R. 3254) granting a pension to Fedolin Buckeviller.

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 Fedolin Buckeviller and pay him a pension, subject to the rules and restrictions of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3254) granting a pension to Fedolin Buckeviller, submit the following report: Fedolin Buckeviller was a private in Company A, Sixty-eighth New York Volunteer Infantry. He enlisted August 22, 1861, and was discharged November 30, 1865. He filed his application for a pension in the Pension Bureau on October 7, 1887, alleging disability contracted in the service in the line of duty, for the reason of fever and ague, impairment of hearing, as well as impairment of mind. As to prior soundness the affidavit of a comrade in his regiment states—

"That the applicant was sound of mind, and also that his hearing was in a very good condition when he entered our regiment."

The records of the War Department report him from the regimental hospital record as having been in the hospital on September 16, 1864, with dyspepsia, which thus shows this man to have been sick and suffering in the service, and since his discharge from malaria and ague, consequent upon this disability, is shown by numerous affidavits on file in the case.

The medical board before whom he appeared in reporting on him said that his eyes are dull and lusterless, and a dimmish expression of countenance. His mental condition is of a passive form, only performing work when directed to, and then executes it mechanically; that he suffers with dementia. This board rated him for disabilities caused by impaired mind and hearing.

His prior soundness and long and faithful service and suffering in the service, for which he was treated in the hospital, the malarial poison in his system, which has affected his mind, has so incapacitated this man that it has left him in a deplorable condition; he is now supported by a religious charity organization, having no one who is legally bound to care for him. That his disease was contracted in the service and was not hereditary is certified to and set forth in the affidavit of Rev. Isidor Heugärtner, who testifies that he has known the family of claimant from his very childhood.

"I can testify that there never existed any mind trouble in their family, which is considered one above the average for intelligence of natural brightness. I have no interest in Fedolin Buckeviller's pension claim."

His present condition is fully set forth in the affidavit of Dr. J. L. Conte, who testified that—

"Claimant is incapable of answering many questions or remembering names and localities. It is impossible for him to reply to questions sent him by the Department, as the claimant can not remember names of officers. A man of not sound mind can not very well testify under oath."

His condition is also stated in the affidavit of Rev. Th. Wiltmer, who testifies:

"I have known Fedolin Buckeviller about eighteen years; that he came here to Carthage through his brother, who is a member of our society; that Fedolin Buckeviller is not a member of our society, and is kept here on charity; that I found and still find his hearing impaired as well as his mind; that he is for above reasons prevented from earning his own living."

This man is now and has been for many years the object of charity entirely, without means of self-support. His mind is impaired, and he is unable to care for himself. His claim was rejected in the Pension Office on the ground of the insufficiency of the evidence to clearly establish the contraction of the disease in service and in the line of duty.

On the ground of the dementia and the impairment of the claimant's mind he could have but little information of the necessary evidence, save and except that on file in the case and furnished by the War Department. Your committee is of the opinion, however, that sufficient evidence has been found to clearly establish the prior soundness and the incurrance of the disability in the service, and its present existence is not disputed.

Your committee are of the opinion that this is a meritorious bill, and recommend its passage.

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

JANE H. PALMER.

Mr. BOUTELLE. I ask unanimous consent for the present consideration of the bill (S. 2923) granting a pension to Jane H. Palmer.

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 Jane H. Palmer, widow of Alpheus T. Palmer, a lieutenant in the Ninth Regiment United States Infantry, who served in the Mexican war, at the rate of \$30 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2933) granting a pension to Jane H. Palmer, have considered the same, and respectfully submit the following report:

Said bill is accompanied by Senate Report No. 447. Your committee adopt the same as their report and return the bill with the recommendation that it do pass.

[Senate Report No. 447, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2933) granting a pension to Mrs. Jane H. Palmer, have examined the same, and report as follows:

Mrs. Palmer is the widow of the late Lieut. Alpheus T. Palmer, who was a lieutenant in the Ninth Regiment United States Infantry, and was pensioned by special act for a very disabling wound received in the war with Mexico.

The report accompanying the bill providing for this pension contains a history of his service, and from which it appears that he was a valuable officer and acquitted himself with great gallantry. It was at the storming of Churubusco that he received a wound which resulted in a disability of the most calamitous character.

He was shot in the head, the ball carrying away a part of, and seriously shivering a part of, his skull, and he became mentally incapacitated. The following is the closing paragraph of the report:

"But there remains yet another argument, which, though not strictly cognizable to the spirit of the pension laws, nevertheless appeals powerfully to the sympathies of your committee. This brave and deserving soldier, whose sacrifices in his country's behalf have left him with a mind shattered and incapable of the mental vigor necessary to make the stipend he receives avail him anything in business, yet suffers a domestic affliction which adds doubly to his burdens and to his anxieties. His wife, a lady of great worth, many accomplishments, and devoted to her unfortunate husband, is denied the privilege of yielding him the slightest assistance, and, instead of being permitted to lighten his burdens and cares, is compelled to regard herself as the heaviest of those burdens, the most wearing of his cares.

"Several years ago she was struck with paralysis of her limbs, and from that time has had no use of her feet. She can not now, and it is believed never will, walk or move without assistance."

She is now seventy years old, and is made penniless by the cessation of her husband's pension, which was their sole support. Inasmuch as Lieutenant Palmer received a wound in the service of his country that was so disabling as to prevent him from pursuing any employment whereby he might have accumulated something to leave for the support of his helpless wife, the committee feel justified in reporting this bill favorably, with a recommendation that it do pass.

Mr. KERR, of Iowa. I would like to hear some explanation of this bill.

Mr. BOUTELLE. This lady is the widow of an officer who received a very severe wound in the Mexican war, by which he was disabled during the remainder of his life. The widow, a very estimable lady, has been for many years unable to walk or move about by reason of entire paralysis of her lower limbs.

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

JOHN TAAFFE.

Mr. CARUTH. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 3438) to increase the pension of John Taaffe 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 hereby is, authorized and directed to increase the pension of John Taaffe, late a member of Company F, Sixth Kentucky Infantry, to \$25 a month.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3438) to increase the pension of John Taaffe, submit the following report:

John Taaffe served as private in Company F, Sixth Kentucky Volunteers, from November 26, 1861, to January 5, 1865. He applied for pension in October, 1866, because of gunshot wound of scrotum. This claim has been rejected by the Pension Office on the ground that whatever disability there is found is due rather to age than a wound. Congress, however, believing that the existing disability is chargeable to the service, passed a bill which became a law August 8, 1888, placing the claimant on the pension-roll at \$8 per month.

The wound above referred to is shown by the record to have been received in battle of Murfreesborough, Tenn., December 30, 1862. It also appears from the record that claimant while in service was treated for pleurisy, for contusion (location not given), constipation, and varicose ulcers, all of which treatment was had subsequent to the receipt of the wound.

The soldier's condition at present is shown by the medical evidence on file as follows: Well marked nasal catarrh and chronic pharyngitis with mitral stenosis; right testicle atrophied and tender on pressure, with enlargement of spermatic cord; cicatrix 1 by 2 inches, with marked discoloration of skin from upper portion of middle third to ankle of right leg; evidence of varicose ulcers; general enfeebled condition of system, with marked tenderness over region of liver and stomach. Is totally incapacitated from performing manual labor of any kind.

There can hardly be any doubt that the condition shown by this medical examination is directly connected with the disabilities and diseases for which soldier was treated in the service. But, Congress having fixed a rate at which he should be placed on the rolls, he can not receive a higher rate, no matter how conclusive the proof might be which he could furnish to make the necessary connection with the army service.

Pensioner needs much medical attention and care. He has no means and, as heretofore stated, is unable to perform any manual labor, and unless relief comes soon must seek refuge in some charitable institution.

Your committee are of opinion that the long service of the soldier, as well as the record in his case, warrants favorable action on his request, and therefore report favorably on the accompanying bill, and ask that it do pass.

Mr. KERR, of Iowa. I would like to have some statement as to the reason for the increase of this pension.

Mr. CARUTH. In the Fiftieth Congress I presented a bill for this man, and in the bill fixed the rate of pension at \$8 per month. The injuries he had received would have entitled him to a pension of at least a hundred dollars, and some members of the Committee on Pensions who recollect the circumstances of the case will say so. But at this time I ask only an increase of \$25 a month. The man now requires the constant care of an attendant.

Mr. KERR, of Iowa. That is satisfactory.

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.

MISS CHARLOTTE BRADFORD.

Mr. MORSE. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 1408) granting a pension to Miss Charlotte Bradford 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 place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Bradford, a nurse in the late war of the rebellion, and pay her a pension at the rate of \$12 a month.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1408) granting a pension to Charlotte Bradford, recommend the passage of said bill, and for report adopt that made by the Senate committee, which is as follows:

"The Committee on Pensions, to whom was referred the bill granting a pension to Charlotte Bradford, have examined the same and report:

"The facts in this petition for pension are set forth in the following affidavit of the petitioner, whose statement is vouched for in addition by the following letter from Senator Hoar. A quotation is also made from Mr. Moore's Women of the War, and mention is found of Miss Bradford and her services in many other books of like character. Your committee report the bill favorably and recommend its passage."

## EXHIBIT A.

WASHINGTON, January 27, 1890.

SIR: I inclose for your information the petition of Charlotte Bradford, who is a lady of the very highest character and respectability, belonging to one of the most esteemed families in Massachusetts. I know many of her kindred intimately, and am willing to vouch for the accuracy of her statements.

If your committee desire any further evidence in support of her bill, I should be glad to be notified.

I am faithfully yours,

GEO. F. HOAR.

The CHAIRMAN OF THE SENATE COMMITTEE ON PENSIONS.

## EXHIBIT B.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Respectfully represents your petitioner, Charlotte Bradford, of Duxbury, in the county of Plymouth, and Commonwealth of Massachusetts, that she is a maiden lady, of the age of seventy-six years, living in said Duxbury, of infirm health and in reduced circumstances, with her two older maiden sisters, who are also very infirm and dependent upon outside pecuniary assistance.

That your petitioner, at the beginning of the war of the rebellion, volunteered her services as hospital nurse and served in that capacity in Army Square Hospital, Seminary Hospital, Columbia Hospital, hospital in the Patent Office, at the front, at White House Landing, and on the hospital transport steamers and elsewhere, and under the charge of Miss Dix; and later on she became matron of the Sanitary Home in Washington, where she remained until the close of the war in 1865, her term of service beginning in 1862, in April.

That she gave her whole strength and energies during the whole period of the war to the care and relief of the sick and wounded soldiers.

That she was in the direct Government service before her appointment as matron of the Sanitary Home as aforesaid, and thereafter under the charge of the Sanitary Commission.

That she is specially mentioned in the publication known as the Women of the War, by Frank Moore, edition 1866, page 593; also in that known as Women's Work in the Civil War, by L. P. Brackett, M. D., edition 1867, pages 731 and 732, and also in Miss Wormley's new book on the war.

Therefore, in view of the straitened pecuniary circumstances and her immediate need of the comforts of life, and her care and nursing for the few remaining years of her life, she petitions your honorable bodies to grant her a pension for and during the term of her natural life, from such a date in the past that she may reap immediate benefits, of which she is sorely in need, as to you should seem meet and just.

Dated at Duxbury, January 8, 1890.

CHARLOTTE BRADFORD.

DUXBURY, January 23, 1890.

COMMONWEALTH OF MASSACHUSETTS, Plymouth, ss:

There personally appeared the above-named Charlotte Bradford and made oath that the facts stated in the foregoing petition are true.

Before me.

HENRY BARSTOW,  
Justice of the Peace.

## EXHIBIT C.

Mr. Frank Moore, in the work mentioned, refers to Miss Bradford in the following complimentary language:

"Among the many who labored in the Army of the Potomac long and faithfully, Miss Bradford and Miss Gilson, of Massachusetts, were perhaps not equaled by those whose record is fully given."

There being no objection, the bill was considered, ordered to a third reading, and, being read the third time, was passed.

MATHEW LAMBERT.

Mr. McRAE. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 5851) to pension Mathew Lambert for service in the Indian war.

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 Mathew Lambert, of Champagnolle, Union County, Arkansas, who served in Captain Sander's company of Alabama Volunteers, Indian war 1836, and pay him the same pension as is allowed by law for service in the war of 1812.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5851) granting a pension to Mathew Lambert, have considered the same and report:

The claimant was (as shown by the records of the War Department) a private in Capt. R. B. Simms's company, Col. Walter Smith's regiment Mounted Alabama Volunteers, Creek war, 1836, from May 30, 1836, to July 22, 1836.

It is shown that Mr. Lambert is about seventy-five years old, in feeble health, unable to earn a support, and with no income.

There are precedents for the allowance of pensions to the aged and destitute survivors of the old Indian wars, and your committee therefore report the bill back with a recommendation that it do pass.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

GASTON WINTERS.

Mr. GROSVENOR. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 1778) granting a pension to Gaston Winters.

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 Gaston Winters, late of Company B, One hundred and sixteenth Regiment Ohio Volunteers.

The report (by Mr. YODER) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1778) granting a pension to Gaston Winters, submit the following report:

Gaston Winters was enlisted in Company B, One hundred and sixteenth Ohio Volunteers about the 12th day of August, 1862. The regiment was raised in the southern part of Ohio, and Winters was an able-bodied man, and had always been such. The regiment was moved about from place to place. Some time in the fall

the regiment was mustered. Up to that time Gaston Winters had done faithful duty on picket and in every other capacity in which he was called upon. But at the time he was called upon to be mustered he was ill with diarrhea and piles, which, it is entirely apparent, had been caused by his exposure and service.

The testimony is abundant to prove all these facts. His present condition is one of a very serious character. He was rejected at muster for no other reason than the fact of the condition of health which had thus been contracted. The captain of his company, Thornton Mallory, makes oath that at the time of enlistment Winters was sound and enjoyed good health; that the disease was contracted at the various camps of the regiment, and especially at the camp at Marietta. The captain testifies that Winters was with the company and did duty all the time until he was taken sick with diarrhea, which eventually led into hemorrhoids. In this condition of affairs, and believing the soldier had lost his health by reason of his services, your committee recommend the passage of this bill.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ZO S. COOK.

Mr. TURPIN. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 9008) to increase the pension of Zo S. Cook, of Wilcox County, Alabama, and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.*, That the pension heretofore granted by act of Congress to Zo S. Cook, of Wilcox County, Alabama, be increased to the sum of \$72 per month from the date of passage of this act.

The report (by Mr. LEWIS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9008) to increase the pension of Zo S. Cook, submit the following report:

The beneficiary under the bill is a Mexican war pensioner under the act of January 29, 1867, certificate No. 8308. He came out of the war greatly debilitated and for years has been a helpless invalid from rheumatism then contracted, requiring the constant attendance of from one to three persons by reason of his helplessness. He has no means of support, and in his old age is dependent upon charity. His legs and arms are so drawn with rheumatism that he can neither walk nor propel himself in an invalid chair, can not dress and undress himself, and is gradually growing worse. He has always been frugal, temperate, and industrious when able to work. The amount asked is only enough to support him in his fast declining years, and your committee recommend the passage of the bill.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

URS AMBROSE NUNLIST.

Mr. WILLIAMS, of Ohio. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 8042) to remove the charge of desertion against Urs Ambrose Nunlist and put it upon its passage.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to remove from the records the charge of desertion against Urs Ambrose Nunlist, Company C, One hundred and eighteenth Ohio Volunteer Infantry, and he is hereby restored to all rights as to pay and bounty and other allowances to the same extent as if said charge of desertion had not been made.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8042) to remove the charge of desertion against Urs Ambrose Nunlist, submit the following report:

That Urs Ambrose Nunlist, when he was sixteen years of age, enlisted in Company C, One hundred and eighteenth Ohio Volunteer Infantry, on the 22d day of August, 1862; that he was taken sick at Cynthiana, Ky., and was sent to hospital at Lexington and Covington, Ky. The Surgeon-General's record shows him in hospital at Covington, Ky., April 21, 1863. He is marked as a deserter April 21, 1863.

The soldier filed an affidavit stating that his father obtained permission for him to cross the river into Cincinnati June 3, 1863, for one-half a day on a pass from the surgeon of the hospital, and when in Cincinnati his father tore up his pass and had him arrested and imprisoned. This was done under the advice of a lawyer; and on June 5 he was taken before the probate court of Hamilton County, Ohio, on a writ of habeas corpus, and the court found that he was a minor when he enlisted, and ordered his discharge. These proceedings were taken by his father and against the soldier's will.

A certified copy of the order of probate court of Hamilton County, Ohio, dated June 5, 1863, is filed at the War Department, which certificate recites "that this soldier was a minor when he enlisted in Company C, One hundred and eighteenth Ohio Volunteers, and therefore illegally restrained of his liberty by Lieutenant-Colonel Boone, commander of Kemper Barracks, in the city of Cincinnati," and the court discharged him from said illegal imprisonment. His father then took him to his home in Shelby County, Ohio, and prevented him from returning to his regiment.

Your committee, under the above state of facts, agree that the charge of desertion against this soldier ought to be removed, and recommend the passage of the accompanying bill with the following amendment: *Provided*, This act shall not be construed to give said Urs Ambrose Nunlist any pay or allowance for any period of time subsequent to June 5, 1863.

Mr. HILL. If I recollect the reading of the bill aright it carries back pay and bounty?

Mr. WILLIAMS, of Ohio. No; that is a mistake. The amendment corrects that.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from Illinois to the language of the proviso in the bill which is proposed to be inserted as an amendment:

*Provided*, That this act shall not be construed to give to said Urs Ambrose Nunlist any pay or allowance for any period of time subsequent to June 5, 1863.

Mr. HILL. But if you regard the provisions of the bill itself I think you will find it gives back pay and bounty.

Mr. WILLIAMS, of Ohio. That is a mistake; I wrote the bill myself and reported it.

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.

BELINDA LLOYD.

Mr. MARTIN, of Indiana. I ask unanimous consent to discharge the Committee of the Whole from the farther consideration of the bill (H. R. 8474) to restore the name of Belinda Lloyd to the pension-roll and pay her a pension, 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 hereby is, authorized and required to restore and place upon the pension-roll, and to pay a pension to, Mrs. Belinda Lloyd, as dependent mother of Austin E. Sanders, deceased, late a private in Company C of the Thirty-fifth Regiment of Indiana Volunteers, in the war of the rebellion, subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8474) granting a pension to Mrs. Belinda Lloyd, submit the following report:

Applicant was the mother of one Austin E. Sanders, who was a private in Company C, Thirty-fifth Regiment Indiana Volunteers, in which he enlisted in 1861, and he was her only support during the term of his service, which was ended January 2, 1863, by his being killed in the line of duty in the battle of Stone River, Tennessee; that applicant was granted a pension by the Commissioner of Pensions, as dependent mother of said decedent, after and up to the marriage mentioned hereafter; that, on September 18, 1879, she being then a widow, by the false and fraudulent representations of one Robert L. Lloyd, of Grant County, Indiana, she was induced to marry him, in the belief that said Lloyd was possessed of means sufficient to maintain her comfortably, but which she found subsequent to her marriage to be untrue, and that by reason of his failure to maintain and support her, and of his cruel and inhuman conduct, she, upon due notice to defendant, was granted a divorce by a court of competent jurisdiction, viz, the Grant circuit court; that she has no means of support except her own labor and a little cottage in which she lives, and which brings her no return; and that she is blind of one eye, with badly impaired vision of the other, and is scarcely able to perform any labor whatever, and past seventy-one years of age.

Your committee recommends (the foregoing facts being shown by the evidence) the passage of the bill, amended by changing the title to read: "An act to place the name of Belinda Lloyd on the pension-roll and pay her a pension," and by omitting in line 4 the words "restore and."

There being no objection, the bill was considered, and 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.

EVA T. BLAKE.

Mr. HILL. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 7729) granting a pension to Eva T. Blake. The name is misprinted in the bill as Elizabeth Blake.

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 and provisions of the pension laws, the name of Elizabeth Blake, widow of Andrew Blake, late a private of Company I, One hundred and fourth Pennsylvania Volunteer Infantry, also of Company H, Ninety-eighth Pennsylvania Volunteer Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7729) granting a pension to Eva T. Blake, respectfully report:

That Andrew Blake enlisted September 24, 1861, in Company I, One hundred and fourth Pennsylvania Volunteers; was discharged February 5, 1863, for valvular disease of the heart, contracted in the service; re-enlisted February 30, 1864, in Company H, Ninety-eighth Pennsylvania Volunteers, and was transferred to the Veteran Reserve Corps, and mustered out July 24, 1865.

May 31, 1862, at the battle of Fair Oaks, Virginia, he was wounded in the left thigh and was sent to the hospital, where he remained until December 16, 1862. May 12, 1864, at Spottsylvania Court House, Va., he received a gunshot wound through the right hand. July 27, 1866, he was pensioned at \$2.66 per month for gunshot wound on right hand; increased to \$5 per month January 15, 1872; to \$6 per month August 26, 1874; and to \$8 per month November 20, 1878, for gunshot wounds of right hand and left thigh.

July 1, 1866, he was married to Eva Troop, by whom he had eight children, viz: Annie F., born May 4, 1867; Mary, born March 16, 1869; Emma, born September 5, 1870; Marie A., born February 12, 1872; Maria J., born April 10, 1874; Matilda, born November 30, 1876; Christina, born July 31, 1878; and Marguerite, born September 25, 1880, all of whom are now living with their mother at Naperville, Du Page County, Illinois.

He died February 7, 1882. His widow, Eva T. Blake, filed an application for a pension. Her husband left no property, and she and the children are dependent upon their own labor and the charity of friends for support. The case was referred to the special examiner, and a large mass of testimony taken bearing upon the question of the cause of the soldier's death, which was referred to Dr. Baxter, medical referee, for his opinion as to whether the soldier's fatal disease was the result of chronic diarrhea, with the statement in the order of reference that the origin of the diarrhea had been legally proved to have been in the first service.

Dr. Baxter's report is as follows:

"It is evident from the evidence, especially from the history of the case given by the claimant, that soldier died of cerebro-spinal meningitis. We can not admit it as a result of diarrhea. The history of the fatal attack given by the widow does not indicate much if any trouble with the bowels preceding it. She says her husband was taken with diarrhea and pain in the night, with vomiting, etc., all symptoms of fatal disease.

"If a statement made by Dr. Howell, his attending physician, was true, that soldier had congestion of the brain, and, following it, disease of the brain, we might accept organic disease of the heart as its cause; but, on the evidence showing, as it does, character of fatal disease, it is not safe so to do. Cerebro-spinal meningitis is no more apt to attack a weakly man than one who is robust; in fact as a rule, it is the latter class that suffer most. I confess that my sympathies strongly incline me in favor of the widow and eight children, but can not set aside what now appears to be fact."

The report of the special examiner, speaking of the soldier, says:

"That he contracted diarrhea while a member of Company I, One hundred and fourth Pennsylvania Volunteers; that he had it slightly at and after discharge

from same, during second service, and from same until death; that his last sickness began with chronic diarrhea, accompanied with vomiting, followed by a chill, followed by brain fever and pains inside; that he became rigid soon after the attack, and remained so, except his right hand, until his death, eight days after; that Dr. Howell, who treated him during his last illness, called his disease brain fever and spinal meningitis, and that it was the result of his having continued diarrhea.

"And this last finding that he died from the results of chronic diarrhea is sustained by a large mass of testimony in the case."

After its rejection the claim was reopened and referred to another examiner, who, in his report, says:

"The physical condition of the soldier is pretty surely established by the testimony of neighbors prior to, and comrades at enlistment, in the first service, One hundred and fourth Pennsylvania Volunteers, in which he served from September 24, 1861, until his discharge from wounds (on account of which he was pensioned) February 5, 1863. It is in this service it is claimed he contracted chronic diarrhea."

And the examiner then refers to the evidence of various witnesses in corroboration of that claim, who state positively the deceased contracted chronic diarrhea in the spring of 1862, at or near Yorktown, Va. These statements include the testimony of the regimental surgeon and other officers, all tending to show that nearly all the command had diarrhea at the time and place alleged.

It also appears from this testimony that the deceased suffered from chronic diarrhea after his discharge from his first enlistment and before his second enlistment, and at times during his second enlistment, and almost continuously after final discharge from month to month, and often once or twice a week, with increasing force, and up to the time of his death.

The widow's claim was finally rejected January 4, 1886, on the ground that the fatal disease of which the soldier died was cerebro-spinal meningitis, and was not due to chronic diarrhea. It clearly appears from the evidence that the soldier contracted chronic diarrhea in the service, which followed him to the time of his death.

It also appears that he was discharged under his first enlistment for valvular disease of the heart, contracted in the service, and Dr. Baxter, medical referee, in his final report admits "that if a statement made by Dr. Howell, who attended the deceased in his last illness, was true, that soldier had congestion of the brain, and following it disease of the brain, we might accept organic disease of the heart as the cause of death," and in view of all the circumstances of this case your committee are clearly of the opinion that the widow and minor children are entitled to a pension, and they therefore report the bill back with the recommendation that it be amended by substituting Eva T. in the bill in place of Elizabeth, as the true name of the widow, and that so amended it do pass.

There being no objection, the bill was considered, the amendment agreed to, 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.

ANGELINA SILVER.

Mr. McCLELLAN. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 8865) granting a pension to Angelina Silver, 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 place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Angelina Silver, widow of Philip W. Silver, late captain of Company C, Eighty-eighth Regiment Indiana Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8865) for the relief of Angelina Silver, widow of Philip W. Silver, captain of Company C, Eighty-eighth Indiana Volunteers, have had the same under consideration, and submit the following report:

The said Philip W. Silver was placed upon the pension-roll for disease of lungs at \$8.50, and in March, 1888, had an attack of paralysis, from which he died, which is alleged to be the result of said lung disease. The medical referee to whom the case was submitted in the Pension Office declares:

"I would not be warranted in accepting the paralysis probably due to cerebral hemorrhage, and which we are led to believe appeared suddenly as the result of the disability for which pensioned."

Dr. Swarts, examining surgeon, among other things, says: "That the paralysis in this case is evidently cerebral, produced by hemorrhage of embolism, and that both pre-existing diseases of lungs and heart tend to produce weakness of vascular walls and favor the formation of filamentous blood clots in such situations as to be carried by the circulation into cerebral arteries; and, furthermore, that the mechanical results of violent fits of coughing should be added to the probable causes of said paralysis."

The examining surgeon and the medical referee do not agree as to the exact cause of paralysis. The committee believes that the claimant ought to have the benefit of the doubt, and therefore submit a favorable report, and recommend the passage of the bill.

It is also shown by the evidence in the case that said Philip W. Silver is dead; that the applicant is his widow and in delicate health, unable to perform physical labor, has two minor children dependent upon her for support, and has no property or other means excepting her home.

Your committee further report that a bill (H. R. 7957) was introduced in the Fiftieth Congress to increase said soldier's pension to \$50 per month, on account of paralysis, which was favorably reported (Report No. 2812) on July 10, 1888, but he died while the same was on the Calendar.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. WOODBRIDGE.

Mr. COOPER, of Ohio. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 1665) granting restoration of pension to Sarah A. Woodbridge 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 restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Woodbridge, widow of Anson L. Brewer, major and paymaster United States Army, her pension having been suspended by reason of her marriage.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1665)

granting restoration of pension to Sarah A. Woodbridge, submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, as follows:

"The object of this bill is to restore the claimant to the pension-roll. She was formerly a pensioner of the United States on account of the death of her husband, who lost his life in a steam-boat explosion on the Mississippi the 3d of March, 1866, while traveling in the line of his duty as paymaster. Her son, Robert F. Brewer, was killed at the same time while in the line of duty in the same service. Another son, Capt. Charles Brewer, was killed in battle at Dallas, Ga., on the 28th day of March, 1864.

"Shortly after the war the claimant remarried one Dr. Timothy Woodbridge, whereupon her pension ceased. This case was once before considered by this committee and was reported adversely, upon the ground that the facts alleged in support of her restoration to the pension-roll were not verified. The report was adopted by the Senate, and the bill indefinitely postponed July 24, 1888, but since that time the claimant has filed for the consideration of said committee a new application and new evidence, all verified under oath, stating the facts of her present condition.

"The action of the Senate above spoken of has been reconsidered and the bill has been again referred to this committee.

"From the affidavits of J. H. Wallace and Thomas W. Sanderson, as well as from her own sworn application, it appears that the second husband of the claimant, the said Dr. Woodbridge, is about seventy-eight years old, quite infirm, and almost blind, has no means of supporting his said wife the claimant, and has contributed nothing toward her support for the last four years, and has, in fact, abandoned her.

"The claimant herself is quite old and infirm; for the last two years she has been unable to do anything toward her own support and maintenance, is consequently dependent to some extent upon the aid of others.

"Her condition is not likely to improve, rather apt to become worse. Her income from her little property inherited from her mother is not sufficient to afford her a maintenance."

Your committee, however, feel not inclined to place Mrs. Woodbridge on the pension-roll on the ground stated in aforesaid report, but do believe that she should be pensioned as the mother of her son Charles, who was killed in battle while serving as captain of the Nineteenth Ohio Volunteers, and who left no wife or child surviving him, and therefore report favorably on the accompanying substitute bill, and ask that it do pass.

The committee recommend the adoption of the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of Sarah A. Woodbridge, mother of Charles Brewer, late a captain in the Nineteenth Regiment Ohio Volunteers."

Mr. YODER. I move to further amend by inserting the word "dependent" before the word "mother" in the amendment.

The amendment to the amendment was adopted.

Mr. YODER. The circumstances of the case are these: This lady was pensioned as the widow of a major who died in the explosion of some steamer on the Mississippi. Afterwards she married Dr. Woodbridge, the surgeon of my regiment. She lives in Mr. MCKINLEY'S district, and he introduced this bill.

Mr. COOPER, of Ohio. And I call it up at his request. [Cries of "Vote!" "Vote!"]

Mr. YODER. She lost two sons in the Army.

Mr. KERR, of Iowa. How much does she receive by the amended bill?

Mr. YODER. The pension of a captain's widow.

Mr. MORRILL. Twenty dollars per month.

The amendment as amended was agreed to.

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

MRS. SALLIE J. MINER.

Mr. BLISS. I call up for consideration the bill (H. R. 8056) granting a pension to Mrs. Sallie J. Miner.

The bill was read, as follows:

Whereas Sallie J. Miner, formerly Sallie Jeffords, *nee* Chamberlain, of Fulton, N. Y., now of Saginaw County, Michigan, served as a nurse in the military hospitals in the United States from August 14, 1863, until her discharge on November 9, 1864, and is now over seventy years old, infirm, and dependent upon a stepson for the necessities of life; and

Whereas in the year 1865 she married one Milo Miner, who during the war was employed by the Government as a bridge carpenter, having been refused acceptance into the military service as a soldier because of his age and infirmities, and who had given his four only sons to the military service; and

Whereas the said Sallie J. Miner can no longer survive to receive the benefits of an ordinary pension: Therefore,

*Be it enacted, etc.*, That said Sallie J. Miner be, and is hereby, granted and allowed a pension from the date of her discharge as a nurse in the military hospital of the United States, to wit, November 9, 1864, at the rate of \$10 per month; and the Secretary of the Interior be, and is hereby, authorized and directed to pay her said pension and to place her name on the pension-roll at the rate of \$12 per month after the passage of this act.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8056) granting a pension to Sallie J. Miner, submit the following report:

The evidence submitted with this bill shows the facts to be, that on August—, 1863, Sallie Jeffords, of Fulton, Oswego County, New York, then forty-four years and a widow, was appointed a hospital nurse by Miss Dorothy Dix, who during the late civil war had charge of all field and hospital female nurses, and under the Medical and Surgeon-General's Department, which department had ample authority to make such appointments and give such employment.

The original papers of appointment, assignment to duty, orders for transportation, and other directions as to duty, as well as her discharge from further service on November 9, 1864, have been preserved by the now Sallie J. Miner, and are submitted for the inspection of the committee. These papers also show that she was first assigned to duty at the Annapolis, Md., hospital, and subsequently transferred to the West, where she was assigned for service in the Jefferson Hospital, at Jeffersonville, Ind.

The records of the Surgeon-General's Office show that during that period said Sallie Jeffords was performing duty as such hospital nurse at both the above-named hospitals.

The said original discharge or release from further duty amply certifies to her excellent character and standing in the department of her employment.

The evidence also fully establishes the fact that said Sallie Jeffords, shortly after such service as nurse at Angola, Ind., was intermarried with one Milo Miner, and that since said marriage, which is proven by one who was present, she has been known as Sallie J. Miner. A daughter of said Milo Miner, now aged thirty-six years, as well as the affidavit and petition to this Congress by Mrs. Miner, which is in her own handwriting and of her own composition, clearly show that Mrs. Miner was and still is a very highly educated woman, of far more than ordinary mental endowments, a cultured and refined woman, and one who in early and middle life must have been reared in and accustomed to the highest circles of society in the State of New York. Said stepdaughter, with becoming credit to herself, dispels every doubt as to Mrs. Miner's character, and that now for a quarter of a century she has been a good, kind, loving, and patriotic woman and mother.

Milo Miner, whom she married, had offered his services to his country as a soldier in the ranks, but because of physical infirmities he was rejected. He had given his four only sons to this country's service, and, having a father's desires to be as near his sons' perils as would be permitted, he engaged and was employed as a bridge-builder and repairer.

The evidence also clearly shows that Mrs. Miner is now seventy-one years old, is physically unable to perform any manual labor, is so infirm as to be incapable of attending to her own household duties and natural wants, and that she is absolutely dependent upon one of those same soldier sons of Mr. Miner for her support and maintenance.

It is therefore submitted that the bill now before your committee for Mrs. Miner's relief, which is based on the above facts, is just and meritorious in every detail and particular; that it is in the highest degree equitable and honorable in every view, not only to this refined, high-minded, patriotic, aged, infirm, and dependent woman, but also on the part of this committee, this Congress, and the whole country, to recognize at this late day, and on her first application, in a substantial manner the noble and unselfish service she gave her country in caring for its sick and wounded defenders.

It should be remembered that this woman gave her service when she was in the prime of life—in fact, just after she had passed its meridian—and with her age, experience, education, kind and loving nature, and mature judgment she must have been of superior service and most likely of greater benefit to the subjects of her care than the ordinary employes in that department.

She is now seventy-one years old. Over twenty-five years have passed since she rendered this noble service. No recognition has been given, as none has been asked. Heretofore she could aid her country in its need and its soldiers in their calamities and fatalities, but now she can not even help herself. If justice is done her, as proposed by this bill, her name can remain but a few short years upon that "Roll of honor." But \$3,000 or \$4,000 is all that can in all human probability be placed to her credit, while others who went into service twenty years younger than she will, if they live to her age, receive a greater sum by the general bill for army nurses now pending in Congress.

In conclusion, let this committee be implored to give this bill and the evidence presented full consideration, and award this patriotic female veteran a sum sufficient to place her beyond even the fear of want, and that she may be carefully and tenderly cared for, as she did those sick and dying soldiers in the hospitals, and in such a manner as her station in life, her refinement, and tastes will demand.

Your committee recommend that the bill be amended by striking out in the preamble the words "And whereas the said Sallie J. Miner can no longer survive to receive the benefits of an ordinary pension, therefore;" also striking out in line 4 the words "from the date of her discharge" and inserting in lieu thereof the words "for service;" also by striking out in lines 5, 6, and 7 the words "to wit: November 9, 1864, at the rate of \$10 per month," and that as thus amended the bill do pass.

The amendments recommended by the committee were 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.

ABNER MOREHEAD.

Mr. COOPER, of Indiana. I ask unanimous consent for the present consideration of the bill (H. R. 8009) for restoration of Abner Morehead to 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 restore to the pension-roll the name of Abner Morehead, late of Company K, One hundred and fifteenth Indiana Volunteers, and that he be paid at a rate such as his present disease of eyes will justify under the provisions and limitations of the pension laws.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8009) for the restoration of Abner Morehead to the pension-roll, submit the following report:

A similar bill for the relief of this claimant passed both houses of the Forty-ninth Congress, but was vetoed by the President on the ground that the evidence pointed towards prior unsoundness.

The report of the Invalid Pension Committee of said Congress is as follows:

"The claimant enlisted as a private in Company K, One hundred and fifteenth Indiana Volunteers, August 13, 1863, and was discharged March 27, 1864, and filed his application for a pension September 25, 1866, alleging the incurrence of disability of loss of eye-sight resulting from hardship and exposure incident to camp life and field duty. He contracted fever in severe form at Greeneville, Tenn., and before entirely recovering contracted a heavy cold, which settled in his eyes, causing ulceration of the eyes, almost destroying his sight, which has continued up to the present time, rendering him unable to perform any manual labor by reason of loss of sight and general debility resulting from said disability. He was treated in hospital at Knoxville, Tenn., and Indianapolis, Ind.

"Prior to and up to the time of enlistment he was a stout, able-bodied man, wholly free from any disease whatever. He was granted a pension November 18, 1867, at the rate of \$8 for disability for loss of sight of right eye and partial loss of the sight of left eye. He was also granted an increase to \$15 per month December 15, 1869, upon the statement of Examining Surgeon Barnes. His pension was discontinued September 26, 1876, upon the statement of a claim agent and special examiner, alleging existence of disability prior to enlistment.

"Claimant made application for restoration February 17, 1882, the Department rejecting the same upon statement of special examiner, as above stated.

"Your committee, having made a thorough and complete examination of the very voluminous papers now on file with the Pension Office and believing this case to be a just and meritorious one, submit the following strong array of evidence in support of claimant's bill.

"Capt. George Betchamp, of claimant's company and regiment, testifies that while in line of duty at Greeneville, Tenn., about November 1, 1863, soldier took a severe fever, and before recovering took cold from exposure, which settled in his eyes, causing ulceration of the eyes and injury to the sight.

"Claimant's neighbors, B. F. Hart, Dr. Osgood, Dr. Worden, Rev. Hamilton Hays, testify that they had known claimant for years prior to the time of his enlistment, and that his eye-sight was good.

"John Smith, James South, Thomas Keeling, and John P. Brown, all members of the same company and regiment, swear they enlisted at the same time, and know claimant was free from said disability at the time of his entering the service.

"William Kelley, George C. Massey, and Thomas C. Baker, his neighbors, testify that they worked with claimant in a pork-house for a year or more prior to his entering the Army, and that claimant was free from said disability at the time of his enlistment, and that he is now totally blind.

"Therefore your committee, in view of the abundant evidence in claimant's favor, and his extreme helplessness and old age, report the bill favorably, with the recommendation that it do pass."

Your committee are likewise of opinion that the doubts in the case should be solved in favor of the claimant, and therefore report favorably on the bill and ask that it do pass, amended, however, by striking out all after the word "Volunteers" in line 6 and inserting therein instead the words "to take effect from the passage of this act."

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.

ISAAC MOORE.

Mr. MORRILL. I call up the bill (H. R. 6726) granting a pension to Isaac Moore, and ask for its consideration.

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 Isaac Moore, late private in Company G, Sixth Regiment of New Hampshire Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6726) granting a pension to Isaac Moore, submit the following report:

The claimant enlisted in Company G, Sixth New Hampshire Infantry, November 14, 1861; was discharged January 3, 1865. Filed application for pension in 1864, alleging that on or about the last of May, 1864, at New Berne, N. C., he received an injury by a barrel of corn-meal falling from a second story striking him on the head, from which injury he lay helpless and almost insensible for five days, and that he was thereby unable to perform duty most of the summer on account of said injury. Also, that he was sick with yellow fever during the summer of 1864, at the aforesaid place, which has resulted in the loss of all his teeth; that he was treated for said disease by Dr. E. W. Buck in the Freedman's Contraband Hospital.

The Adjutant-General's report shows claimant on detached service as hospital cook to June 30, 1864, and for July and August, 1864, acting as medical assistant; September and October, on detached service at Freedman's City Hospital. Owing to the fact of claimant's absence from his command he was unable to furnish satisfactory evidence to the Pension Bureau of the incurrence and continuance of his disability. Dr. Buck, who now resides at Oakland, Cal., was surgeon in charge of the Freedman's Hospital at New Berne, says in a letter that he has just a faint recollection of the circumstances and that is all; that he could not say whether injury was sufficient to cause permanent disability. The reports of Surgeon-General do not show that claimant received treatment in Freedman's Hospital, but no reports from said hospital are on record prior to August, 1864.

Notwithstanding the claimant's inability to furnish positive proof of the incurrence of disability, yet the circumstantial evidence all points to the truthfulness of claimant's allegations. His soundness prior to enlistment is clearly established. Two witnesses testify to his inability for the performance of manual labor soon after his discharge, on account of trouble with his head and back. Other testimony shows continuous disability since 1870. The Government board at Leavenworth, in their examination of claimant, found a cicatrix about one inch long near the superior and middle border of the occipital bone, tenderness over the lower cervical, lower dorsal and sacral vertebrae; also that he had lost all his teeth. The board rated him at one-half disability.

Owing to the chain of circumstantial evidence, the soldier's long service, and evidence of almost continuous disability since discharge, your committee believe this a meritorious claim, therefore give it favorable report and recommend its passage.

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. ARNOLD. I ask unanimous consent that every member present be allowed to call up one bill for consideration.

The SPEAKER *pro tempore*. The chair is recognizing members as fast as possible.

CATHARINE TALKINGTON.

Mr. WILLIAMS, of Illinois. I ask unanimous consent for the present consideration of the bill (H. R. 6288) granting a pension to Catharine Talkington.

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 Talkington, of White County, Illinois, mother of Daniel Bruder, late a member of Company H, Forty-eighth Regiment of Illinois.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6288) granting a pension to Catharine Talkington, submit the following report:

The evidence shows that the soldier, Daniel Bruder, September 10, 1861, enlisted as a private in Company H, Forty-eighth Regiment Illinois Infantry, and continued in the service of the United States until September 16, 1864, when he died in Andersonville prison; that said soldier was unmarried, and left no children surviving him; that the claimant, Catharine Talkington, is the mother of said Daniel Bruder; that her husband, Conrad Bruder, died about 1864; that after that she married George Talkington, who died about 1880, since which time she has been a widow; that the claimant has no property except a lot and house, worth about \$225 above mortgage; has no means of support except her own labor; has but one child living, who is a disabled son, with a family of his own to support and unable to support his mother; that claimant is now between seventy-five and eighty years old, and would be dependent on her son, the deceased soldier.

Your committee therefore favorably report the bill back with the recommendation that the same 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.

NELLIE R. COOK.

Mr. SMITH, of West Virginia. I call up the bill (H. R. 1980) granting a pension to Nellie R. 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 Nellie R. Cook, invalid daughter of the late Capt. John Cook, deceased, of Company K, Fifty-sixth Ohio Volunteer Infantry, at the rate of \$15 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1980) granting a pension to Nellie R. Cook, submit the following report:

The complainant is the invalid daughter of Capt. John Cook, who was wounded in battle at Champion Hill, near Vicksburg, on the 16th day of May, 1863, and died of said wounds on the 23d day of said month. He was captain of Company K, Fifty-sixth Ohio Infantry. The daughter is thirty-nine years of age, and a cripple from infancy with spinal curvature, from which she will never recover. She has no means of support, and is unable to do any labor of any kind, and her mother has departed this life since the death of her father, and the Government is now paying no pension on the account of the death of said soldier. The bill is amended by striking out the word "fifteen" in the eighth line, and inserting in lieu thereof the word "eighteen," and that the bill as so amended do 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.

RACHAEL LEVY.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent for the consideration of the bill (H. R. 6592) to grant a pension to Rachael Levy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to put on the pension-roll, as of October 31, 1867, the name of Rachael Levy, of Lexington, Ky., the dependent mother of Henry L. Levy, who, after having served in the Second Ohio Infantry, the Twenty-third Kentucky, enlisted in the First United States Cavalry, and died hospital steward in Galveston, Tex.

The report (by Mr. WILSON, of Kentucky) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6592) granting a pension to Rachael Levy, submit the following report:

Henry L. Levy, after having served in the Second Ohio Infantry and in the Twenty-third Kentucky Infantry Volunteers, during the war of the rebellion, enlisted as hospital steward in the First United States Cavalry, and died in the hospital at Galveston, Tex., on the 31st day of October, 1867, of yellow fever, while in the said service.

From the papers in the case it appears that prior to his death the soldier entered into marriage relations with one Ellen McCarthy, who was a laundress in the hospital, and who at the time, it is alleged, was a wife of a member of the Seventeenth Infantry, with whom she lived up to the time of his desertion, and that she could not legally contract marriage with the soldier Levy.

But, whether or not she was the legal widow of said soldier, it appears that on the 13th day of October, 1868, she was married under the name of Ellen McCarthy to David G. Fitzgerald, and by her remarriage barred any right of pension she might have had as widow of Levy from the date of such remarriage.

It also appears that the soldier recognized his duty to provide for his mother's support while in the Army, and at his death he left a will in which he requested that one-half of the pay due him at his death should go to his mother. Her dependence on the soldier is fully shown, and she is now poor and in destitute circumstances.

The alleged marriage of the soldier deprives her of the benefits of the general law. Her case is one which certainly deserves relief at the hands of Congress, and there being no one now drawing pension on account of the death of said soldier, your committee report back the bill with the recommendation that it do pass with the following amendment.

In line 4 strike out all after the word "pension-roll" to and including the word "sixty-seven" in line 5, and at the end of line 9 add the words "subject to the provisions and limitations of the pension laws."

The amendments recommended by the committee were 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.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent for the present consideration of a bill that the Speaker has introduced.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Kentucky that he will be able to recognize some gentlemen on that side, as there are but few on that side who have not been recognized, when the bill may be offered.

AUGUST SEITER.

Mr. LIND. I ask unanimous consent for the present consideration of the bill (H. R. 6721) granting a pension to August Seiter.

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 August Seiter, late a private in Capt. John Balm's company of Minnesota Volunteer Militia.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6721) granting a pension to August Seiter, submit the following report:

August Seiter was a member of Capt. John Balm's company of Minnesota Volunteer Militia, engaged in Sioux Indian troubles in 1862. While thus serving and engaged in howitzer practice, by reason of the premature explosion of a shell, his eyesight became injured and he has been more or less disabled thereby ever since. His services, as well as the incurrence of the disability, are fully shown by the evidence on file with your committee.

This injury, although not incurred in battle with the Indians, was received at the scene of the disturbance in 1862, and while drilling in the handling of artillery

used by said militia in subduing the hostiles which had attacked the citizens of that section in the absence of the regular troops, which had previously been withdrawn for service farther south.

Your committee are of opinion that the claimant is entitled to pension for his injury the same as if it had been received in actual battle, and therefore report favorably on the accompanying bill and ask 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 F. WHITE.

Mr. HAYES. I call up for consideration the bill (H. R. 1884) granting a pension to George F. White.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George F. White, late of Company I, Third Regiment Wisconsin Cavalry.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1884) granting a pension to George F. White, having examined and considered the same, report the same back to the House with the recommendation that it do pass.

The substantial claim in this case for pension is on the ground of chronic diarrhea contracted in service, and which exists up to the present time. So far as this claim was concerned the application was rejected on the ground that no disability from alleged chronic diarrhea was shown to have existed since the date of filing application for pension, which was in May, 1884.

We are somewhat at a loss to see how, upon the evidence, this finding was made; but, whatever may have been the case so far as the Pension Department is concerned, it has now been fully supplied by additional affidavits of the wife of the claimant, and also of R. B. Millard, postmaster of Low Moor, Iowa, the residence of said claimant. It is shown that the soldier had no such trouble before entering the Army, that he did have it when he returned, and that he has continually had it since, and still has it. Upon examination before a medical board at Maquoketa, Iowa, in 1884, the board reported against the claim, but upon application a re-examination was had before the board at Lyons, Iowa, which board reported the existence of chronic diarrhea and expressed the opinion that it was probably contracted in service, and this idea is fully sustained by other evidence.

The soldier himself claims that he was in Government hospital at Fort Leavenworth, Kans., in 1863, but the Adjutant-General reports that there are no hospital records for that place in his office for ten years prior to 1865, so that no light can be gained from that quarter. It appears that the first physician who treated him, Dr. Paxton, is dead, but Dr. Mewhuter testifies to the existence of this complaint and his treatment of him for it from 1869 down to within a few years, and Dr. Burke testifies to the same facts existing within the last four years. There seems to be no reasonable doubt of the fact that this soldier is suffering with chronic diarrhea, that he contracted the same in the Army, and that it has existed from that day to this, and so there seems to be no question that he is entitled to a pension therefor, and consequently we 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.

HUGH S. McCORMICK.

Mr. PICKLER. I ask unanimous consent for the present consideration of the bill (H. R. 8611) for the relief of Hugh S. McCormick.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be instructed, and he is hereby ordered and directed, to place on the pension-roll the name of Hugh S. McCormick, late a private of Company F, Ninth Regiment of Pennsylvania Volunteers, and pay him a pension in accordance with the provisions and limitations of the pension laws.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8611) granting a pension to Hugh S. McCormick, submit the following report:

Claimant enlisted September 23, 1861; was honorably discharged May 23, 1863; filed claim for pension August 8, 1876, alleging rupture on right side, and injury to eyes caused by powder being blown into them in action at Spring Hill, Tenn., February, 1863. Claim was rejected because disease of eyes existed prior to enlistment, and hernia not proved to have been incurred in the service.

Claimant testifies that in July, 1862, at Crab Orchard, Ky., in a charge his horse threw him violently against the pomel of his saddle with such force as to cause rupture of right side and so disable him that he was sent to hospital, where he was made prisoner by Kirby Smith, soon paroled, went to Louisville, Ky., and reported to his regiment, and was furloughed and sent home; was afterwards exchanged and joined his regiment for duty. That in February, 1863, while on the skirmish line powder was blown into his eyes by the discharge of a gun at his side, resulting in inflammation of the eyes.

Adjutant-General reports him as having been in action, and discharged for disability; records also show that he was a prisoner of war. Certificate of disability for discharge states, "during last three months soldier has been unfit for duty;" "he is nearly blind;" "had weak eyes before he enlisted;" he was treated for sore eyes, and in closing says, "he was in the line of duty when the disease made its appearance."

Thomas J. Jordan, colonel Ninth Cavalry, certifies in same certificate of disability:

"His eye-sight is very imperfect indeed. He has been under medical treatment for two or three months without much benefit, and unless discharged from the service may lose his eyesight altogether."

Claimant's captain, F. H. Blden, swears that claimant was ruptured and sent to hospital in Kentucky, and that he was so blind later that he had to be led. He further swears that the claimant was "all right" when he took command of the company in 1862.

There is other corroborating testimony of this kind, and your committee are of opinion that the claimant is clearly entitled to the relief asked, and therefore make favorable report, and recommend the passage of the bill after changing the letter "a" in the name to "l."

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 F. COCHRAN.

Mr. OWENS, of Ohio. I call up for consideration the bill (H. R. 7824) granting a pension to Mary F. Cochran.

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 Mary F. Cochran, widow of William N. Cochran, deceased, late private in Company E, One hundred and forty-fifth Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7824) granting a pension to Mary F. Cochran, submit the following report:

Mary F. Cochran is the widow of William N. Cochran, late a private in Company E, One hundred and forty-fifth Regiment Ohio (National Guard) Volunteer Infantry; enlisted May 2, 1864, discharged August 24, 1864.

This man was perfectly sound and healthy when he entered the service.

Thomas M. Byers testifies in an affidavit on file that when the soldier enlisted he was to all appearances a healthy man, and that he knew of his own personal knowledge that while in the service the soldier was sick in the company's quarters and unable for duty a good part of the time during the later part of his service, and that the said soldier has since died, and that he believes that the disease he contracted in the service was the cause of his death.

Beverly W. Brown and Calvin Dempsey testify that they were well acquainted with the soldier at the time of his enlistment; that he was in good bodily health, and no indication of any disease existed.

George W. McGruder and A. Patton testify that they knew the soldier at the time of enlistment, and saw him immediately on his return from the service; that when he first came home he was sick, was unable to perform any manual labor or do anything; that he was unable to attend school on account of his disability; that he had a cough, and was very much reduced physically.

Dr. James T. Edwards testifies:

"I was the family physician for five or six years immediately preceding W. N. Cochran's enlistment in the Army, and know that he was a sound man prior to his enlistment; that he was free from any disease and in perfect health. He came home sick in July or August, 1864, with acute hepatitis, which resulted in an attack of icterus; after a few weeks' treatment he partially recovered, but was soon followed by an attack of indigestion; after this his health gradually failed. A troublesome cough came on, this being followed by acromphysis, which after a time terminated in a well marked case of phthisis pulmonalis, of which he died. I believe his death was caused by disease contracted in the Army. I have no notes of this case and consequently can not give dates. The statements are not memory."

The husband of this widow died on the 24th of May, 1883. The widow filed her claim for pension on the 24th of March, 1886, which was rejected in the Pension Office on the ground that the evidence filed in connection with the special examination of the case failed to show that the soldier's fatal disease of lungs originated in or was due to his military service. Death was alleged as resulting from consumption, due to disease of stomach contracted in the service.

Special Examiner L. L. Lawrence, after a most thorough examination of this case, says:

"I am of the opinion the claim is meritorious."

John Snikarman, special examiner of the Pension Bureau, who also examined this claim, reports:

"I think the claim is one of merit."

Notwithstanding all this favorable evidence in the case, there seems to have still been a doubt as to the origin of the disease from which he died, also as to the diagnosis of the case as to the cause of death. There is no question, in the opinion of your committee, that the fatal disease was contracted in the service, and that he constantly suffered until his death.

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.

KATE H. TAYLOR.

Mr. GREENHALGE. I ask consideration of the bill (S. 2223) granting a pension to Kate H. Taylor.

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 Kate H. Taylor, widow of the late Rear-Admiral William Rogers Taylor, and pay her a pension of \$50 per month from and after the passage of this act.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2223) granting a pension to Kate H. Taylor, submit the following report, adopting report of Senate Committee on Pensions, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2223), granting a pension to Mrs. Kate H. Taylor, widow of the late Rear-Admiral William Rogers Taylor, have had the same under consideration, and report the same back favorably and recommend its passage.

The beneficiary is the widow of the late William Rogers Taylor, who died at Washington, D. C., on the 14th day of April, 1889, after a long-continued sickness, brought on by exposure and overexertion in the line of his duty.

William Rogers Taylor was one of the most distinguished of the naval officers who did such gallant service for the country during the war of the rebellion.

William Rogers Taylor entered the service of the United States as a midshipman, in April, 1828, and remained on the active-list of the Navy until reaching the age of sixty-two years on the 7th of November, 1873, when, being in command of the South Atlantic Station, he was transferred to the retired-list in accordance with the terms of the law.

He served during the Mexican war as a lieutenant on board of the sloop-of-war St. Mary, and during the rebellion, in the grades of commander and captain, he was in command of the Housatonic and the Juniata, and was fleet captain on the staff of Rear-Admiral Dahlgren.

As commodore he commanded the north squadron of the Pacific fleet in 1869-1871, and as rear-admiral he flew his flag in the South Atlantic Station during 1872-'73 and until his retirement from active duty.

His sea duty amounted to nineteen years, and his shore duty, nearly two-thirds of which was spent in ordnance duty at the principal foundries and in command of the ordnance yard at Washington and elsewhere, aggregated fifteen years and a half.

His conscientious devotion to duty was proverbial, and while he was rigid in exacting a similar devotion from others who were subject to his control, the justice of his requirements was so generally recognized that it was said of him that seldom was an officer regarded with so much affection by all who had served under him or who had been associated with him on duty. Admiral David D. Porter wrote to the widow after the death of Admiral Taylor as follows:

"I looked upon your dear husband as one of the sincerest and truest friends I had in the Navy. He was one of the truest and most loyal officers in the late war, and his services, as chronicled by me in the Naval History, entitle his widow to every consideration."

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

JENNIE D. HOSKINS.

Mr. QUINN. I call up for consideration the bill (H. R. 8061) to increase the pension of Jennie D. Hoskins.

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 Jennie D. Hoskins, widow of Charles Hoskins, late lieutenant and adjutant Fourth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month, the same to be in lieu of the pension now paid her.

Mr. MORRILL. I would like to know why the lieutenant's widow's pension is increased.

Mr. QUINN. Let the report be read.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8061) increasing the pension of Jennie D. Hoskins, have considered the same and report:

The claimant's late husband, Charles Hoskins, was killed in action at Monterey, Mexico, September 21, 1846. He was a first lieutenant in the Fourth United States Infantry. His widow (the beneficiary under the bill) is a pensioner at \$17 per month, said pension having been allowed her under the general pension laws.

The claimant prays that her pension be increased to \$30 per month. She states that she is now sixty-four years of age, and an intense sufferer from rheumatism, which has brought her to such a condition that she will soon be bedridden and utterly helpless. She has no sure or regular income from any source except her pension, and her only relative is a son who has a family to support on his pay as a lieutenant in the Army.

Dr. William L. Wells, of New Rochelle, N. Y., testifies he has known the claimant for the past fifteen years, and at intervals during that time she has been under his professional care. For eight years or more she has been a sufferer from chronic rheumatic arthritis, which has been constantly progressive, and, for at least five years, she has been confined to the house. Her hands and feet and many of the larger joints are implicated, and the great resulting deformity renders her wholly incapable of performing any household duty, or doing work of any kind to aid in her support. She is dependent upon friends for her personal comfort, and for many of the necessities of life.

Charles G. Miller also testifies to claimant's physical disability and meager income.

In view of the claimant's age, physical condition, and financial circumstances, 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.

ABSALOM CARNEY.

Mr. WADE. I ask unanimous consent to call up for consideration the bill (H. R. 5545) granting a pension to Absalom Carney.

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 law, the name of Absalom Carney, late a private in Company H of the First Regiment of Enrolled Missouri Militia, and to pay him a pension from and after the passage of this act.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5545) granting a pension to Absalom Carney, submit the following report:

The claimant was enrolled in Company H, First Missouri Militia, in 1862. He was wounded in a skirmish in October, 1864, by a minié-ball, which struck him just above the hip and followed up the back-bone. Application rejected on the ground that it was barred by section 4693, Revised Statutes.

The second lieutenant of the company says that he was well acquainted with claimant; that on the 24th day of October, 1864, while stationed at Galena, Mo., claimant and others were sent out on a scout and were met by a band of guerrillas, and claimant was wounded as above described.

Joseph McCullah swears that he attended claimant as physician and treated him for five months from October, 1864, for a gunshot wound in the hip; that he saw him in 1874 and examined him and found him suffering from injuries to the spine caused by said wound.

Your committee think that claimant should be placed on the pension-roll, and 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.

ROBERT W. HEROD.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, called up the bill (H. R. 2531) granting a pension to R. W. Herod.

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 R. W. Herod, late of Company C, Seventh Regiment Iowa Cavalry, and pay him a pension from and after the passage of this act.

The committee recommended an amendment striking out the letter "R" in the name and inserting "Robert," so as to make it read "Robert W. Herod;" also a like amendment in the title.

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.

ELNATHAN MEADE.

Mr. BOWDEN, by unanimous consent, called up the bill (H. R. 6001) granting an increase of pension to Elnathan Meade, late of Company C, Forty-fourth New York Volunteers.

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 Elnathan Meade, late of Company C,

Forty-fourth New York Volunteers, at the rate of \$72 a month, in lieu of the pension he is now receiving.

The report (by Mr. TAYLOR, of Tennessee) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6001) granting an increase of pension to Elnathan Meade, late of Company C, Forty-fourth New York Volunteers, submit the following report:

The beneficiary named in the bill enlisted in Company C, Forty-fourth New York Volunteers, August 20, 1862. He was wounded in left hand at the battle of Fredericksburg, December 13, 1862, and in head, severe, at the battle of the Wilderness, and was discharged on surgeon's certificate of disability.

In addition to these wounds he contracted disease of heart and lungs. The combined disabilities were rated at the Pension Office at \$24 per month. Several efforts to have his pension increased failed because he can perform some labor. It appears from the medical evidence that the wound of the head, the greater of the disabilities, alone is of such a character as to entitle Mr. Meade to a higher pension than that now allowed for the combined disabilities.

By special act of Congress approved August 9, 1888, Meade's pension was increased to \$45 per month.

Dr. William V. Marmion, of Washington, D. C., and an oculist of national reputation, described the disability resulting from the gunshot wound of the head as far back as 1882, as follows:

"Left eye: vision, perception of light of left side of visual field, central as well as general vision, in all other respects lost. Ophthalmoscopic examination reveals atrophy of optic nerve, with a well marked and almost vertical fissure of the retina, caused by the concussion of the bullet as it traversed the posterior and inferior portion of the orbit; the tension of both eyes about normal; globe of left somewhat sunken, owing to the partial destruction of fatty cushion in posterior portion of orbit. Right eye, vision nine-tenths emmetropic. There are some traces of slight neuro-retinitis remaining, most likely resulting from sympathetic irritation. Patient suffers from asthenopia, which no glass relieves; close application of eye might produce serious symptoms and threaten the health of the eye. Left eye deviates outward. Projection of right eye good."

The general effect of the wound of the head upon the system is described in the certificate of T. B. Hood, late brevet colonel United States volunteers and medical referee of the Pension Office, as follows:

"I certify that I have intimately known Mr. Elnathan Meade, and that at intervals for seven years past he has been in my professional care for the results of a gunshot wound of his head and face. The missile, a large musket-ball, struck him a little above the external canthus of the left eye, and passing somewhat downward, emerged just in front of the ear upon the right side of the face. In its track the ball fractured the malar or cheek-bone (its zygomatic process), passed through the floor of the orbit of the left eye, fracturing the orbital plate of the upper jaw-bone (superior maxillary), injuring the globe of the eye, passed the nasal fosse, fracturing the bones there, and passing through the right upper jaw-bone emerged through the ramus of the lower jaw-bone (inferior maxillary), fracturing it."

"Thus the ball passed through the face from left to right. The statement that Mr. Meade was thought to have been killed outright at first, and that when it was apparent that that was not true, it was believed scarcely worth while to waste time and attention upon so hopeless a case, is wholly credible, and most certainly but few persons would recover from so severe a wound."

"The sight of the left eye is wholly destroyed, and there is growing involvement of the right eye from sympathy. But even that is not the worst of the case. The involvement of the nervous system as a result of the wound, the constant pain, which is paroxysmally increased beyond the point of endurance, and the reflected irritation upon the whole nervous system, as a matter of fact increases his trouble so as to unfit him for any kind of labor, mental or physical."

"He should, if possible, have no enforced occupation; should not be compelled to any business cares of any character, but should be so situated as to consult his inclinations as to either mental or physical work. With freedom from care of any kind, so far as practicable, he might live in comparative comfort, but as long as he must labor with mind or body so long will that labor precipitate paroxysms of pain which will cause general excitement and shock of the nervous system and utter unfitness for any business pursuits, and I express this opinion not upon the theoretic grounds alone, but base it upon close observation of the case for several years."

The wound has also destroyed the power to masticate solid food.

Dr. Richard Kingsman, of Washington, D. C., under date of March 20, 1890, certifies that the wound has wrecked forever the system of Mr. Meade, and instead of looking forward to a possible chance of improvement he must become worse as he advances in age. For three months last summer his condition was such that he had to abstain from any kind of business.

Dr. Robert Reyburn, also an eminent surgeon, states under date of March 28, 1890, that Meade has been a great sufferer from the effects of a wound received during our late civil war which has destroyed the sight of the left eye and injured his brain so that he has suffered from insomnia and cerebral hyperemia to a marked degree. The sight of his right eye is impaired, and it is highly probable that his eyesight will become so much impaired as to greatly injure his capacity to provide for the wants of his family.

Mr. Meade is constantly under medical treatment and advice. He was compelled last summer to seek relief in other climes, but without success. His expenses for medical attendance during the last year amounted to over \$600. For days at a time he is unable to leave his bed, and then requires constant attendance.

The case is a remarkable one, and, according to the records of the Surgeon-General, the only one of that character.

Your committee are of opinion that the claim for increase is meritorious, and therefore report favorably on the accompanying bill, and ask that it do pass.

A MEMBER. That is an increase to \$72 a month.

Mr. BOWDEN. This is a case of total disability, and last year this man spent \$600 for medical attendance.

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

R. ALLEN McCORMICK.

Mr. YODER, by unanimous consent, called up the bill (H. R. 7885) granting a pension to Reuben A. McCormick.

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 Reuben A. McCormick, late a private in Company E, Ninety-eighth Regiment Ohio Infantry, and pay him a pension at the rate of \$50 per month, for total disability of left arm, in lieu of the pension he is now receiving.

Mr. YODER offered an amendment changing the name "Reuben A. McCormick" to "R. Allen McCormick."

The amendment was agreed to.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7853) granting a pension to Reuben A. McCormick, submit the following report:

The records show that the soldier while a member of Company F, Ninety-eighth Ohio Volunteer Infantry, lost the use of his left arm by a gunshot wound in his left shoulder at the battle of Perryville, Ky., October 8, 1862. He now draws a pension of \$36.

The diagnoses of the several Government examining surgeons who from 1863 to the present have examined him show the following facts:

Examining Surgeon Dr. W. T. Sharp reports that the soldier has lost entirely the use of left arm from gunshot wound of left shoulder. The whole arm is paralyzed from the shoulder, and the loss of the arm is equivalent to amputation at the shoulder-joint. The shoulder and arm are very much atrophied, difficult to keep warm, and at times very painful to him and should be amputated at the shoulder-joint.

Other examinations made by Surgeon Sharp do not differ from this.

Examining Surgeon S. M. Smith, April 23, 1863, reports total disability of left arm, total loss of sensibility and muscular power.

Under date of February 4, 1885, the Steubenville (Ohio) board of surgeons, after careful and exhaustive diagnosis, says: "We are clearly of the opinion that the claimant's disability is equivalent to the loss of an arm at or above the elbow," and rate him equal to that allowed for the loss of an arm at or above the elbow. Upon this report the chief of the medical division in the Pension Office rates the soldier at \$36 for disability equivalent to loss of an arm above the elbow.

The affidavits of civil surgeons show in each similar diagnosis.

Dr. Alanson W. Kelly testifies that the arm and forearm upon injured side are suffering extreme atrophy and complete paralysis of motion, and that the probable cause thereof was the bullet which entered at the axilla and is now lodging beneath the scapula, where it now rests in all probability in an encysted state. As a consequence the impaired member is utterly incapacitated for the labors of his vocation or in fact for any physical duty whatever. Amputation at shoulder-joint would enhance general health and be of great convenience.

Dr. Wortman gives the same description of wound and then says: "Circulation feeble. No circulation at the wrist; pulsation and motion both nearly destroyed. The arm and hand are of no use, but only an incumbrance and the source of a great deal of pain."

Dr. H. C. Black, who treated the soldier in 1862 and 1863, and at various times since, diagnosed the same as to wound and testifies as to uselessness of arm and want of circulation.

In this case is presented the singular feature that a soldier by the retention of a useless arm is in far worse condition than had he suffered amputation. It is not only useless but a nuisance by interference with daily labor, and is besides conducive to much physical suffering, being virtually dead through inability to control or use its muscles, and from its lack of blood circulation it is a positive injury. Amputation at the shoulder, which would bring him within the status, can not now at claimant's age be counseled, though if successfully accomplished would overcome the objections of the Commissioner of Pensions.

The soldier now has no remedy for the laches of the army surgeon into whose hands he fell when wounded and must therefore continue to suffer hereafter, and now suffers great nervous prostration and must continue to do so. In view of these facts your committee recommend that the bill do pass.

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 K. SMITH.

Mr. BOOTHMAN, by unanimous consent, called up the bill (H. R. 1100) to relieve George K. Smith from the charge of desertion.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War 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 George K. Smith, late of Company C, Second Regiment Ohio Volunteer Infantry, war with Mexico; and when so removed that said George K. Smith be restored to all rights suspended or lost by reason of said record, including an honorable discharge from said regiment, to be issued by the Secretary of War.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 966) to relieve George K. Smith from the charge of desertion, submit the following report:

That the records of the War Department show that George K. Smith was enrolled August 10, 1847, to serve "during the war" (with Mexico), in Company C, Second Ohio Mexican War Volunteers. On muster-roll of that organization (Company C) for November and December, 1847, he is reported "absent on detached service with regiment at Rio Frio;" for January and February, 1848, "absent doing duty as teamster for regiment at Rio Frio;" for March and April, 1848, "deserter," with remark "Smith has been acting as teamster for the Second Ohio Regiment at Rio Frio and deserted from there on or about April 1, 1848," and on muster-out roll of company dated July 23, 1848, "deserted from Rio Frio April 1, 1848."

Thus you will see that war record shows this man to have been absent without leave from April 1 to July 23, 1848, about three months and twenty-three days.

George K. Smith testifies under oath that he was away from his regiment about five months, and that he was wounded at Vera Cruz in June and taken to the house of a Mexican doctor, there being no hospital, and staid with the doctor about three weeks, and was then brought home to Cincinnati, and that he never got back to his regiment, as General Scott ordered him to stay home till sent back; that his captain, John W. Lowe, afterwards told him he reported him a deserter through malice, and that he would have it corrected, but the captain was killed in the late war; that when he left the doctor's house for home his wagon-master, William R. Newton, gave him a letter, so that he could get his discharge, as his regiment had gone home, but this letter was lost. George K. Smith's reputation for truth and veracity is supported by a number of affidavits from the leading citizens of Napoleon, Ohio; also D. H. Tension and William Masis, residents of Napoleon, Ohio, testified that they heard Capt. John W. Lowe say, some time in 1860, that he did wrong in reporting applicant absent from Army in 1848, and that he came to see applicant and apologize for doing so, and if he got back to Washington he would see that the proper change was made on the records.

It is true that in the War Department there is no record to support the statement of George K. Smith, except that he had been acting as teamster of the Second Ohio. There is no motive shown for desertion, from the fact that his regiment returned to Ohio before he did, and the further significant fact that Capt. John W. Lowe stated that he did wrong in reporting applicant as a deserter is evidence that Lowe was convinced of the statement of George K. Smith, and from the further fact that the truth and veracity is supported by the affidavits of leading citizens of Napoleon, the committee feels that a great wrong was done George K. Smith, and will therefore report in favor of the passage of the accompanying 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.

ARCHIBALD F. COON.

Mr. LAWS, by unanimous consent, called up the bill (H. R. 6601) granting a pension to Archibald F. Coon.

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 Archibald F. Coon, late captain Company E, Fourth Pennsylvania Cavalry.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6601) granting a pension to Archibald F. Coon, submit the following report:

Applicant was a first lieutenant in Company E, Fourth Pennsylvania Cavalry, and enlisted August 16, 1861; was discharged October 22, 1864. On May 3, 1883, he filed application for a pension, alleging neuralgia of right eye, resulting in total blindness of same. His application was rejected on the ground that there are no records of the alleged neuralgia or loss of sight of eye, and claimant having declared his inability to furnish any proof of incurment in the service of the United States. Has no hospital record.

Claimant gives as reason of his inability to furnish the evidence as to origin of disease that in 1864 he was on detached service (after his company was mustered out) by request of the general commanding, and consequently knew none of the men who were then with him; says he was treated by a physician as soon as he arrived in Pittsburgh, Pa., that the physician is now dead, and that he has had no settled home until going to Nebraska. H. M. Kerr and Silas McGraw testify to prior soundness.

Dr. S. L. Brown testifies that he treated claimant from 1871 to 1875; that in January, 1871, found him with sore eyes, and that during his treatment of him applicant suffered total loss of sight of right eye.

On April 17, 1884, Dr. G. H. Peebles testifies to having known applicant for ten years, and to having been his family physician for six years; says he has treated him for inflammation of the bowels, congestion of the kidneys, neuralgia; that he has been unable to perform manual labor since first examined him; also says sight of right eye was gone when he first knew him.

April 18, 1890, Dr. B. F. Dake, of Pittsburgh, Pa., testifies that he has practiced medicine for thirty years; that he prescribed for claimant first on January 27, 1868, and again March 24, 1868, for an affection of the right eye of a neuralgia nature which had been running for four years, said by claimant to have been caused by exposure in the Army; eye at that time had partly lost sight, and is now entirely blind.

April 19, 1890, Mrs. Jennie McGraw, of Westmoreland County, Pennsylvania, testified that claimant and her husband were intimate friends before the war; that claimant's wife died during the war, and that on his return home after the war claimant made his home with them during the months of November and December, 1864; that he was then taking medicine for a difficulty of the eyes, and at that time feared he would in time lose the sight of his right eye, which he did. Witness's character for truth and veracity is vouched for by two neighbors.

Claimant is now seventy-four years old and poor; is a man of excellent character and habits, and his whole life has been that of an honorable, industrious, and useful citizen. Your committee are clearly of opinion that claimant is entitled to a pension, and therefore 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.

MARY FERGUSON.

Mr. TRACEY, by unanimous consent, called up the bill (H. R. 9783) granting a pension to Mary Ferguson.

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 Ferguson, foster-mother of Thomas Ferguson, late a private of Seventeenth New York Independent Battery Light Artillery, and pay her a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9783) granting a pension to Mary Ferguson, submit the following report:

That the evidence furnished this committee shows that the beneficiary, a maiden lady, adopted, about the year 1842, the soldier, Thomas Ferguson, then an infant about nine months of age, gave him her own name, brought him up, clothing and educating him, assisting him to learn a trade, he in the mean time living and making his home with her, until the year 1862, when he enlisted in the Seventh New York Independent Battery, in which he served until the close of the war.

That on his return home he was sick with a hard cold and from disease of the lungs; that immediately on his return from the Army he went to the home of the beneficiary and continued to live with her, being cared for and nursed by her until his death, January 10, 1870. That from the time of his return home, broken down in health, he continued to be sick, unable to perform manual labor to any considerable degree, continually growing weaker until his death, as above stated, which was clearly shown to be the result of his army service.

This beneficiary, now eighty years of age, is now poor, with no means of support, and dependent upon her relatives. She discharged all the duties of a kind mother during the infancy and childhood of the soldier and during the years of his long-continued sickness, nursing him and closing his eyes in death. He knew no other mother, and to her he gave his filial love.

Believing the bill to be meritorious, we would recommend its passage with an amendment, inserting after the word "pension," in the seventh line, the words "at the rate of \$12 per month."

The amendment recommended by the committee in the last paragraph of 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.

THOMAS SHANNON.

Mr. WALLACE, by unanimous consent, called up the bill (H. R. 7008) granting a pension to Thomas Shannon.

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 Thomas Shannon, late a private in Company B, Tenth Regiment United States Infantry.

The report (by Mr. HILL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7008) granting a pension to Thomas Shannon, has considered the same and return the bill with the recommendation that it do pass.

The committee adopt as their report the following report made by the Committee on Invalid Pensions at the second session of the Forty-sixth Congress and also by the Committee on Pensions at the first session of the Fiftieth Congress.

An examination of the papers on file in the Pension Office in the case shows that the petitioner was a private in Company B, Tenth United States Infantry, and that he was discharged upon certificate of disability September 12, 1872. The said certificate recites:

"Loss of right hand and lower part of fore-arm on the 4th of July, 1872; while 'on pass' he had his hand lacerated by the explosion of a can of gunpowder in the hands of a citizen. It appears that he saw the explosion about to take place, and was in the act of knocking the can from the hands of the man who held it, when it exploded. The injury he then received necessitated amputation. He is, in my opinion, a case for pension. Disability full."

The petitioner filed application for pension October 30, 1872, alleging "disability from wound in right forearm, received while firing a salute at Rio Grande City, Tex., July 4, 1872, in attempting to save the life of a citizen who held a can of powder in his hands that was about to explode, and knocking the same from his hands."

The Pension Office rejected the claim February 17, 1873, on the grounds, "Rejected; not in line of duty."

The petitioner, who has filed several affidavits, all of the same general character, seems thoroughly imbued with the idea that he should receive a pension. He sets forth prominently the fact that he is entirely disabled from earning a living.

The Adjutant-General reports: "Discharged September 12, 1872," roll for July and August, 1872, covering date of alleged disability, says: "A private, present sick in hospital. Nature of disability not stated."

Testimony of First Lieut. Charles L. Davis, United States Infantry (certificate of disability):

"The injury received by private Shannon, on the 4th of July last, was caused by his endeavors to knock from the hands of a citizen in Rio Grande City a can of powder that was about to explode. Private Shannon was 'on pass' at the time."

Your committee, in reviewing this case, readily understand that it does not come under the provisions of the pension laws, as the injury was not sustained in the line of duty, and yet it seems that this man should have relief. He was a soldier, in the service, and engaged in patriotic work on the nation's anniversary, and he performed an act of mercy, receiving an irreparable injury in the loss of his right hand. Under the circumstances of the case, we conclude to grant his prayer, and to recommend the passage of the bill (H. R. 124) granting a pension to Thomas Shannon.

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

#### CAROLINE REEBLE.

Mr. DUNNELL, by unanimous consent, called up the bill (H. R. 3485) granting a pension to Caroline Ruble.

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 Caroline Ruble, mother of Edward Ruble, late of Company I, Fourth Regiment Minnesota Volunteers.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3485) granting a pension to Caroline Ruble, submit the following report:

The committee find it fully proven that Caroline Reebble is the mother of Edward Ruble, who was a private in Company I, Fourth Minnesota Regiment, and that the said Edward Ruble died December 4, 1863, from wounds received at the battle of Mission Ridge. Caroline Reebble was the wife of Gerhardt Reebble, who died about 1870. Prior to his death he and his wife were in very reduced circumstances. He obtained a living for himself and wife by the rent of a small tannery. He had a small strip of land in Rice County, Minnesota, about the time of his death. The widow lived on this strip of land in a small house, keeping a cow and poultry, which were her main and chief support.

In 1876 there lived with her for a few months a man named Simmons, who claimed that he married the said widow. He obtained a license for marriage, but there is no record of the marriage. Whether legally married or not, he in a few months abandoned her and left for parts unknown. Soon the said widow was divested of all means of support. The small home which she occupied was burned. She was then thrown upon a son-in-law. The daughter with whom she has since lived is a cripple and the mother of eight children, and without whose support she would be a public charge. Mrs. Caroline Reebble is now eighty-five years old, and has been totally blind for the last ten years. Your committee, considering the circumstances, recommend the passage of the bill, amended, however, by striking out the word "Ruble," wherever it may appear in the bill or title thereof, and inserting therein instead the word "Reebble."

The amendment recommended by the committee, striking out the word "Ruble" wherever it occurs in the bill and inserting "Reebble," was agreed to.

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

Mr. MORRILL moved to reconsider the votes by which the bills were severally passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House then (at 10 o'clock and 30 minutes p. m.) adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### CLAIM OF MRS. SUSANNAH GEORGE.

Letter from the acting Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board, with accompanying papers, relative to the claim of Mrs. Susannah George, for compensation due her husband for services and expenses incurred by him while light-house-keeper at Plum Island light station, Massachusetts—to the Committee on Appropriations.

#### REIMBURSEMENT OF CREW OF MUSKEGAT (MASSACHUSETTS) LIFE-SAVING STATION.

Letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the General Superintendent of the Life-Saving Service, and accompanying papers, looking to an appropriation to reimburse the crew of the life-saving station at Muskegat, Mass., for the loss of their personal property at the time of the burning of the station, December 27, 1889—to the Committee on Appropriations.

#### WATER-POWER POOL AT ROCK ISLAND ARSENAL

Letter from the Secretary of War, transmitting for the information of the Committee on Appropriations, a letter from the Chief of Ordnance and a copy of House Executive Document, No. 306, Fiftieth Congress, first session, being a special estimate of \$101,000 for the further development of the water-power pool at the Rock Island arsenal—to the Committee on Appropriations.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolutions of the Legislature of Massachusetts were presented and referred as follows:

By Mr. ROCKWELL: Resolutions of the Legislature of the State of Massachusetts, relating to the enactment of the Federal law relative to placing guard-rails on the top of box and stock freight cars—to the Committee on Railways and Canals.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BROWNE, of Virginia, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 5712) granting a pension to J. G. Fetherstone—to the Committee of the Whole House.

Mr. ROCKWELL, from the Committee on Foreign Affairs, reported favorably the joint resolution of the Senate (S. R. 4) authorizing acceptance by Dr. W. J. Hoffman of certain decorations from foreign powers—to the Committee of the Whole House.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the Senate (S. 1024) conferring jurisdiction upon the Court of Claims to finally determine the claims of John J. Schillinger and his assignees for the use of the Schillinger patent in the Capitol grounds—to the Committee of the Whole House.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 10215) to amend an act 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—to the Committee on the Judiciary.

By Mr. CRAIN: A bill (H. R. 10216) to amend an act approved February 4, 1890, entitled "An act to amend the first section of an act approved June 3, 1884, entitled 'An act to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled 'An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts,' and to provide for holding terms of the courts of the western judicial district of Texas at the city of El Paso, and for other purposes,"—to the Committee on the Judiciary.

By Mr. HAYNES: A bill (H. R. 10217) providing for a special pension for the soldiers, sailors, and marines of the United States during the war of the rebellion and who were on board the steam-boat Sultana when she exploded her boilers April 27, 1865—to the Committee on Invalid Pensions.

By Mr. JOSEPH: A bill (H. R. 10218) to provide that certain corporations organized for the sole purpose of irrigation of lands for colonization and reclamation may acquire, hold, sell, and pledge lands in the Territories—to the Committee on the Public Lands.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BARNES: A bill (H. R. 10219) granting a pension to Noah Johnson—to the Committee on Pensions.

By Mr. BECKWITH: A bill (H. R. 10220) for the relief of Edward A. Arnold—to the Committee on Invalid Pensions.

By Mr. BELKNAP: A bill (H. R. 10221) granting a pension to Eliz. M. Simpkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10222) granting a pension to Addie L. Temple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10223) granting a pension to Margaret M. Towner—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 10224) granting a pension to William A. Osborn—to the Committee on Invalid Pensions.

By Mr. BROOKSHIRE: A bill (H. R. 10225) to correct the military record of James D. Kelley—to the Committee on Military Affairs.

Also, a bill (H. R. 10226) to correct the military record of Robert W. Osborn—to the Committee on Military Affairs.

Also, a bill (H. R. 10227) to correct the military record of Elijah Watts—to the Committee on Military Affairs.

By Mr. DOLLIVER: A bill (H. R. 10228) for the relief of Mrs. Mary H. Abbott—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 10229) granting a pension to Anderson Miller—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 10230) granting a pension to Addie D. Dorchester—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 10231) to increase the pension of Sanford Kirkpatrick—to the Committee on Invalid Pensions.

By Mr. LAIDLAW: A bill (H. R. 10232) increasing the pension of Grove L. Heaton—to the Committee on Invalid Pensions.

By Mr. McCLAMMY: A bill (H. R. 10233) for the relief of Annie Moore—to the Committee on Private Land Claims.

By Mr. McCLELLAN: A bill (H. R. 10234) to restore Rebecca Young to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 10235) granting a pension to Daniel Wooden—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10236) granting a pension to Theresa B. Walbach—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: A bill (H. R. 10237) granting a pension to Abraham D. Hendrix, late private in Company G, Forty-eighth Regiment of Illinois Volunteer Infantry, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. STIVERS: A bill (H. R. 10238) granting a pension to Kezia S. Walton, widow of Walter Walton—to the Committee on Invalid Pensions.

By Mr. STRUBLE: A bill (H. R. 10239) granting a pension to Eugene M. Fuller—to the Committee on Invalid Pensions.

By Mr. WALLACE, of New York: A bill (H. R. 10240) granting a pension to Corporal John De Witt Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10241) granting a pension to Edward B. Webb, of Brooklyn, N. Y.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10242) to remove the charge of desertion from John B. Webber—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 10243) granting a pension to Clinton Allen—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Ohio: A bill (H. R. 10244) to place the name of Ellinora Lenox on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10245) to place the name of Hettie McConnell on the pension-roll—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 10246) granting a pension to Thomas Thompson—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN, of Michigan: Petition of H. M. Ward and 43 others, farmers of Hillsdale County, Michigan, for the passage of House bill 8248, to prevent adulteration of food—to the Committee on Agriculture.

By Mr. BOOTHMAN: Petition of F. P. Fell and 20 others, relating to the tariff on tobacco—to the Committee on Ways and Means.

By Mr. BRECKINRIDGE, of Arkansas: Memorial of certain citizens of Arkansas, for the passage of the bill known as subtreasury plan—to the Committee on Ways and Means.

By Mr. BRICKNER: Protest by Wilber M. Root, of Sheboygan, Wis., against the rise in monumental work—to the Committee on Ways and Means.

Also, protest by Wickel & Kegler, of Plymouth, Wis., against the adoption of higher tariff on monumental goods—to the Committee on Ways and Means.

Also, protest by Henry Schelle, of Sheboygan, Wis., against the adoption of higher tariff on monumental goods—to the Committee on Ways and Means.

By Mr. BUNN: Petition of Suballiance No. 564, of Alamance County, North Carolina, in favor of House bill 7162 or Senate bill 2806, known as the subtreasury plan—to the Committee on Ways and Means.

Also, petition of Cone Creek Alliance, No. 643, for the same measure—to the Committee on Ways and Means.

Also, petition of 31 citizens of Franklin County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of citizens of St. Mary's Township, Wake County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of Alliance No. 70, Wake County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of 14 citizens of Franklin County, North Carolina, in favor of House bill 7162 or Senate bill 2806—to the Committee on Ways and Means.

Also, petition of 20 citizens of Johnston County, North Carolina, for the same measure—to the Committee on Ways and Means.

Also, petition of 26 citizens of Alamance County, North Carolina, favoring the same measure—to the Committee on Ways and Means.

Also, petition of 92 citizens of Franklinton Township, Franklin County, North Carolina, favoring the passage of the same measure—to the Committee on Ways and Means.

Also, petition of 45 citizens of Chatham County, North Carolina, favoring the same measure—to the Committee on Ways and Means.

Also, petition of R. H. Speight and 58 others, of Edgecombe County, North Carolina, favoring the same measure—to the Committee on Ways and Means.

Also, petition of P. D. Holland and 63 others, of Johnston County, North Carolina, favoring the same measure—to the Committee on Ways and Means.

Also, petition of 32 citizens of Alamance County, North Carolina, favoring the same measure—to the Committee on Ways and Means.

Also, petition of 24 citizens of Chatham County, North Carolina, favoring the same measure—to the Committee on Ways and Means.

Also, petition of 50 citizens of same county and State, favoring the same measure—to the Committee on Ways and Means.

Also, petition of 60 citizens of Nash County, North Carolina, in favor of the same subject—to the Committee on Ways and Means.

Also, resolution adopted by the Orange County (North Carolina) Farmers' Alliance, in favor of the same subject—to the Committee on Ways and Means.

Also, petition of P. H. Massey and 47 others, of Durham County, North Carolina, in favor of the same subject—to the Committee on Ways and Means.

Also, petition of A. C. Green and 40 others, of the Wake County Alliance, in favor of the same purpose—to the Committee on Ways and Means.

Also, petition of Paul A. Brown and 23 others, of Durham County, North Carolina, in favor of the same measure—to the Committee on Ways and Means.

Also, petition of 21 members of the Wake County Alliance, for same purpose—to the Committee on Ways and Means.

Also, petition of 53 citizens of Durham County, North Carolina, in favor of same subject—to the Committee on Ways and Means.

Also, petition of 12 citizens of Franklin County, North Carolina, in favor of same subject—to the Committee on Ways and Means.

Also, petition of W. C. Andrew and 52 others, of Orange County, North Carolina, in favor of the same subject—to the Committee on Ways and Means.

Also, petition of 72 citizens of Durham County, North Carolina, opposing the passage of House bill 283 (Conger lard bill)—to the Committee on Agriculture.

By Mr. CHEADLE: Petition of Rev. F. Vanness and 71 others, citizens of Tipton County, Indiana, asking for the passage of House bill 5353—to the Committee on Agriculture.

By Mr. CLEMENTS: Resolutions of the Farmers' Alliance, of Sugar Valley, Gordon County, Georgia, in favor of bill known as the subtreasury bill—to the Committee on Ways and Means.

Also, resolution of the same alliance for the passage of the bill known as the compound-lard bill—to the Committee on Agriculture.

Also, petition of N. E. Dorsett and 14 others, citizens of Chatoga County, Georgia, for an appropriation to improve Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of W. D. Gilkerson and 15 others, citizens of the same county and State, protesting against the Conger compound-lard bill—to the Committee on Agriculture.

By Mr. CRAIG: Memorial of Post No. 40, Grand Army of the Republic, Grant, Indiana County, Pennsylvania, in favor of dependent and service pension bills—to the Committee on Invalid Pensions.

Also, memorial of Post 308, Grand Army of the Republic, Sheloceta, same county and State, for the same measure—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of Mrs. Mary Abbott, for pension—to the Committee on Invalid Pensions.

By Mr. GEISSENHAINER: Petition of Moses F. Corey and 64 others, citizens of Elizabeth, N. J., asking for the passage of laws for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. GOODNIGHT: Petition of D. W. Jessup and others, of Todd County, Kentucky, for repeal of tobacco tax—to the Committee on Ways and Means.

By Mr. GRIMES: Petition of Salem Farmers' Alliance, of Troup County, Georgia, for a first-class harbor on Gulf coast of Texas—to the Committee on Rivers and Harbors.

By Mr. HARMER: Petition of electrical manufacturers and stove manufacturers of the United States, asking that mica be retained on the free-list—to the Committee on Ways and Means.

By Mr. HAUGEN: Resolutions passed by A. K. Humphrey Post,

No. 148, Grand Army of the Republic, of Knapp, Dunn County, Wisconsin, in favor of a liberal general service-pension law—to the Committee on Invalid Pensions.

Also, petition of S. R. Bolton and others, members of the Grand Army of the Republic, of Pierce County, Wisconsin, in favor of a general service-pension bill—to the Committee on Invalid Pensions.

By Mr. HATCH: Memorial of the Merchants' Exchange of St. Louis, Mo., protesting against the passage of Senate bill 2979—to the Committee on Commerce.

By Mr. HENDERSON, of Iowa: Petition signed by 10 citizens of Eagle Grove, Wright County, Iowa, for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

Also, papers from Norwegian Plow Company, Dubuque, Iowa, urging certain amendments to the patent law—to the Committee on Patents.

By Mr. HENDERSON, of North Carolina: Petition of C. B. Webb, of Statesville, N. C., protesting against the increase of tariff duty on foreign granite—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of National Grange, Patrons of Husbandry, in regard to the cotton industry—to the Committee on Ways and Means.

By Mr. KELLEY: Resolution of Farmers' Alliance of Butler County, Kansas, expressing confidence in Senator STANFORD'S methods of relief to the financial interests of the country, and especially to the farmers' interests. Also, thanks to Judge Pfeffer for his suggestion as to the way out, and asking that said suggestion be enacted into law—to the Committee on Ways and Means.

Also, petition of a mass meeting of the citizens of Argentine, Kans., protesting against placing Mexican silver-lead ores on the dutiable list—to the Committee on Ways and Means.

By Mr. LACEY: Petition of J. W. Beck and 400 others, coal miners of Lehigh, Ind. T., asking for the enactment of a law for the protection of the lives of miners in the Territories—to the Committee on Mines and Mining.

By Mr. LEE: Petition of citizens of Virginia, for Galveston Harbor improvement—to the Committee on Rivers and Harbors.

By Mr. LODGE: Papers in regard to the bill for the relief of Charles H. Neill, late acting master's mate United States steam-ship Sumter—to the Committee on Claims.

Also, papers in regard to bill granting a pension to Miss Mary C. Winslow, daughter of the late Rear-Admiral Winslow, United States Navy—to the Committee on Invalid Pensions.

Also, papers in regard to claim of David D. Smith, late of Company K, Seventh New Hampshire Volunteers, for loss of tool chest—to the Committee on War Claims.

By Mr. McCLELLAN: Affidavit of T. B. Williams, S. H. Menzinger, and W. H. Piper, to accompany House bill 3561 granting a pension to C. S. Trusdale—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire: Petition of George Carpenter and 15 others, of Cheshire County, New Hampshire, in favor of pure lard—to the Committee on Agriculture.

Also, petition of S. A. Bullock and 12 others, of Cheshire County, New Hampshire, in favor of pure lard—to the Committee on Agriculture.

Also, petition of S. A. Bullock and 13 others, of Cheshire County, New Hampshire, in favor of pure lard—to the Committee on Agriculture.

Also, petition of J. B. Chase and 26 others, of Merrimack County, New Hampshire, in favor of pure lard—to the Committee on Agriculture.

Also, petition of J. B. Chase and 24 others, of Merrimack County, New Hampshire, in favor of pure lard—to the Committee on Agriculture.

Also, petition of G. Plattee and 19 others, of Hillsborough County, New Hampshire, in favor of pure lard—to the Committee on Agriculture.

By Mr. MORRILL: Resolution of John A. Martin Post, Grand Army of the Republic, Atchison, Kans., asking that Fort Dodge reservation be ceded to the State of Kansas for soldiers' home—to the Committee on Military Affairs.

By Mr. O'NEILL, of Pennsylvania: Petition of the workmen of the Hero Fruit-Jar Company, asking for the passage of the glass schedule in the McKinley tariff bill—to the Committee on Ways and Means.

By Mr. OUTHWAITE: Petition of D. S. Gray and others, citizens of Columbus, Ohio, in favor of the passage of laws for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. ROCKWELL: Petition of citizens of the Twelfth Congressional district of Massachusetts, in favor of the eight-hour bill—to the Committee on Labor.

By Mr. SHERMAN: Petition of G. L. Bissell and others, citizens of Rome, N. Y., in favor of the perpetuation of the national-banking system—to the Committee on Banking and Currency.

Also, petition and papers in the pension matter of Theresa B. Walbach—to the Committee on Invalid Pensions.

By Mr. STEWART, of Georgia: Protest by sundry Georgians against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. STIVERS: Petition of General Lyon Post 366, Grand Army of the Republic, of Middletown, N. Y., asking that a pension be granted to Mrs. Kezia S. Walton—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Petition of O. O. Fullerton, esq., president of the Jobbers and Manufacturers' Association, and 18 others, business men of Sioux City, Iowa, urging the passage of Mr. PAYNE'S bill, providing for the construction of a ship-canal around Niagara Falls—to the Committee on Railways and Canals.

By Mr. THOMAS: Petition of Frank Stodden and 20 others, praying for the passage of House bill 5353—to the Committee on Agriculture.

By Mr. TOWNSEND, of Pennsylvania: Petition of citizens of the Twenty-fifth district of Pennsylvania, asking for passage of the McKinley bill—to the Committee on Ways and Means.

Also, petition from citizens of Beaver Falls, Pa., for perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. TURNER, of Georgia: Petition of S. S. Hays, W. M. Hammond, A. H. Housell, H. W. Hopkins, R. G. Mitchell, S. G. McLoudon, A. T. MacIntyre, and 71 others, citizens of Thomasville, Ga., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. VANDEVER: Petition of Henry Johnston—to the Committee on Claims.

By Mr. VENABLE: Petition of Prospect Farmers' Alliance of Brunswick County, Virginia, for an appropriation for Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. WHEELER, of Michigan: Memorial of Andrew Harshan and 60 others, citizens of Alpena, Mich., workers of tin-plate, protesting against any increase of duty on that article—to the Committee on Ways and Means.

Also, memorial of Chamberlin & Bros., of Mackinaw, Mich., and 7 other firms, protesting against the proposed advance of tariff duty on breech-loading guns—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Memorial of the Farmers and Laborers' Union, of Williamson County, Tennessee, in favor of House bill 7162 and Senate bill 2806—to the Committee on Ways and Means.

By Mr. WILLIAMS, of Ohio: Petition of A. F. McKinney and 50 others, citizens of Troy, Ohio, to grant a pension to Hettie McConnell, widow of Col. H. K. McConnell—to the Committee on Invalid Pensions.

Also, petition of A. C. Rebeson and 24 others, of Greenville, Ohio, praying for a pension bill that will benefit Hettie McConnell, widow of Col. H. K. McConnell—to the Committee on Invalid Pensions.

By Mr. WRIGHT, of Pennsylvania: Memorial of Grange No. 951, of Susquehanna County, Pennsylvania, in favor of certain rates of duty on imported farm products—to the Committee on Ways and Means.

Also, memorial of Grange No. 80, of Bradford County, Pennsylvania, asking for import duties on agricultural products—to the Committee on Ways and Means.

## SENATE.

FRIDAY, May 16, 1890.

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

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

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Adelpic Grange, Patrons of Husbandry, Indiana County, Pennsylvania, and a petition of citizens of Farmersville, N. Y., praying for certain legislation in regard to the coinage of silver; which were ordered to lie on the table.

Mr. CULLOM presented a petition of 38 citizens of Perry County, Illinois, praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of members of the Farmers' Alliance, of Shelby County, Illinois, praying for the passage of a bill authorizing the Secretary of the Treasury to loan money to farmers at 3 per cent. per annum on real-estate security; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented a petition of Cloutman Post, No. 69, Grand Army of the Republic, Ottumwa, Iowa, praying for the passage of Senate bill 3779, granting a pension to Sanford Kirkpatrick; which was referred to the Committee on Pensions.

Mr. DAWES. I present the memorial of Messrs. Forbes & Wallace, of Springfield, Mass., remonstrating against certain features of the McKinley tariff bill, so called. The remonstrants represent themselves as jobbers and retailers of domestic and foreign dry goods, and they protest especially against the duties upon goods made wholly or in part of wool, and also against the increase of duties upon the manufactures of silk goods and brown and bleached linens. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. SANDERS presented a petition of S. F. B. Biddle and other residents of Miles City and vicinity, in the Yellowstone Valley, Mon-