Affairs, so as to be acted on in connection with the sundry civil appropriation bill.

Mr. EDMUNDS. The Committee on Military Affairs ought to know whether those two forts need a cable. I think the Military Committee in the first instance is the right one, and then the matter can go to the Committee on Appropriations.

Mr. GORMAN. It is an estimate of the Department.

Mr. EDMUNDS. But the Committee on Military Affairs ought to consider it first.

The VICE-PRESIDENT. It is so referred.

Mr. GORMAN. Very well.

PAY OF LETTER-CARRIERS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. Res. 183) to provide for the unexpended balance, $99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888; which was read the first time by its title.

Mr. SAWYER. I ask for the present consideration of the joint resolution.

Mr. EDMUNDS. I think the joint resolution should go to the proper committee.

Mr. SAWYER. I wish to say that we passed one precisely like it last night, and at the same time the House of Representatives passed this one. I had the clerks hold the Senate joint resolution, so that I could have it indefinitely postponed and get the Senate to pass this one.

Mr. EDMUNDS. We ought to see what it is, really.

Mr. SAWYER. It has been reported from the Committee on Post-Offices and Post-Roads and passed by the Senate. There is a letter from the Postmaster-General showing the necessity of it, which appears in to-day's RECORD.

Mr. EDMUNDS. Does the Senator know from a personal inspection that the House measure is precisely like the one the Senate passed?

Mr. SAWYER. I do; I examined it to-day. It is precisely like it in every particular. I ask that the joint resolution be passed. As I stated we passed one last night in every particular just like it to the letter.

The VICE-PRESIDENT. The joint resolution will be read the second time at length for information.

The joint resolution was read the second time at length, as follows:

*Be it resolved, etc.*, That the unexpended balance of $99,439.07 of the appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, be continued and made available to June 30, 1891, for discharging the claims of letter-carriers for compensation for extra time in the months of May and June, 1888, made under the provisions of an act entitled "An act to limit the hours that letter-carriers in cities shall be employed per day," approved May 24, 1888.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. GORMAN. I should like to ask the Senator from Wisconsin what is the necessity of this legislation?

Mr. SAWYER. In 1888 we passed a law reducing the hours of labor of letter-carriers to eight hours a day. The Postmaster-General sent a communication to the Senate stating that the Department had not had clerical force enough to adjust the claims and asking to have this appropriation continued, as otherwise it would lapse the 1st day of July. The object is to settle this indebtedness that the Government owes the letter-carriers.

Mr. GORMAN. I see no objection to it on that statement.

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

Mr. SAWYER. I move to reconsider the vote by which the joint resolution (S. R. 106) to continue the unexpended balance of appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, and for other purposes was passed.

The motion to reconsider was agreed to.

Mr. SAWYER. I now move that the joint resolution be indefinitely postponed.

The motion was agreed to.

FEES IN NEW MEXICO AND ARIZONA.

Mr. EDMUNDS. I wish to ask the Chair whether the message of the House of Representatives in respect of the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona" has been laid before the Senate.

The VICE-PRESIDENT. It has not.

Mr. EDMUNDS. I ask that it may now be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *June* 25, 1890.

*Resolved*, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona."

Mr. EDMUNDS. I submit in this connection the report of the Senate conferees, being the duplicate of the other conference report.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

GEO. F. EDMUNDS,
G. G. VEST,
*Managers on the part of the Senate.*

I. S. STRUBLE,
B. W. PERKINS,
C. B. KILGORE,
*Managers on the part of the House of Representatives.*

Mr. EDMUNDS. The other House having receded from its disagreement to the Senate amendment and agreed to the same, no action of the Senate is necessary, only to have it go into the record.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1890, at 12 o'clock m.

## CONFIRMATIONS.

*Executive nomination confirmed by the Senate June* 26, 1890.

POSTMASTER.

Daniel F. Stewart, to be postmaster at Wilmington, in the county of New Castle and State of Delaware.

*Executive nominations confirmed by the Senate June* 27, 1890.

INDIAN AGENT.

Perain P. Palmer, of Estelline, South Dakota, to be agent for the Indians of the Cheyenne River agency in South Dakota.

COLLECTORS OF CUSTOMS.

Rockey P. Earhart, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon.

Max Pracht, of Alaska, to be collector of customs for the district of Alaska, in the Territory of Alaska.

PROMOTIONS IN THE ARMY.

Horatio P. Van Cleve, of Minnesota, formerly second lieutenant Fifth United States Infantry and late brigadier and brevet major general United States Volunteers, to be second lieutenant of infantry, United States Army.

*Second Regiment of Cavalry.*

First Lieut. Charles B. Schofield, to be captain.

Second Lieut. Herbert H. Sargent, to be first lieutenant.

*Eighteenth Regiment of Infantry.*

First Lieut. John Anderson, regimental quartermaster, to be captain.

Second Lieut. David C. Shanks, to be first lieutenant.

POSTMASTERS.

Mrs. Minnie Washburne, to be postmaster at Eugene, in the county of Lane and State of Oregon.

Michael T. Nolan, to be postmaster at The Dalles, in the county of Wasco and State of Oregon.

Lewis V. Curry, to be postmaster at Fenton, in the county of Genesee and State of Michigan.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *June* 27, 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.

LEAVE OF ABSENCE TO POST-OFFICE EMPLOYÉS.

Mr. DOCKERY. I rise to a parliamentary inquiry. I desire to know whether it will be in order—I suppose, however, it will not—to move to reconsider the action of the House yesterday by which House bill 10086 was passed.

Mr. SAYERS. What is that bill?

Mr. DOCKERY. It is a bill called up by the gentleman from New York [Mr. KETCHAM] granting leaves of absence to clerks and employés in first and second class post-offices. When the matter was presented yesterday I propounded this inquiry:

Mr. DOCKERY. I will inquire of the gentleman from New York [Mr. KETCHAM] whether this bill carries an appropriation.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The reply was:

Mr. KETCHAM. It does not.

I find, however, upon examination and according to the best estimate that could be made by the gentleman from Illinois [Mr. CANNON] and myself—a hurried estimate—that the bill really involves an annual expenditure of probably $316,000.

The SPEAKER. The statement was made to the House that it did not increase the expense to the Government at all.

Mr. DOCKERY. I do not like to ask any action in the absence of the gentleman from New York——

Mr. SAYERS. Why not make a motion to reconsider?

Mr. MCMILLIN. The gentleman can enter that motion.

Mr. DOCKERY. But the motion to reconsider was made yesterday and laid on the table.

Mr. MCMILLIN. At any rate it would be in order to ask unanimous consent that the motion be entered.

Mr. QUINN. I regret very much to find that the gentleman from Missouri [Mr. DOCKERY] has come to the conclusion that this bill involves an increase of expenditure. As I am informed, the granting of leaves of absence to post-office clerks in the city of New York has not that effect at all.

The SPEAKER. The Chair will state that the action taken yesterday on the bill could be reconsidered by unanimous consent.

Mr. DOCKERY. I would submit a request to that effect but for the absence of the gentleman from New York [Mr. KETCHAM].

Mr. CANNON. I think it fair that the motion to reconsider be entered. This matter was passed yesterday in my absence when I was engaged upon a committee of conference; and it seems to me the House did not understand it. Unanimous consent might now be given to set aside the action by which the motion to reconsider was yesterday laid on the table, so that the motion may now be pending.

Mr. MCMILLIN. To be acted on when the gentleman from New York [Mr. KETCHAM] shall be present.

Mr. FLOWER. I object.

Mr. CANNON. The House evidently acted under a misapprehension.

Mr. HOLMAN. It appears to me very proper the action suggested should now be taken.

Mr. BLAND. The statement was made at the time the bill was passed that it would involve no additional appropriation. That was the understanding on which the House acted; and if that is an error the action then taken ought certainly to be set aside.

Mr. DOCKERY. I want to read what the gentleman from New York [Mr. FLOWER] said yesterday in reference to this bill.

I hope there will be no objection. The bill does not involve one dollar of expense to the Government.

Mr. FLOWER. How does it?

Mr. DOCKERY. Because the Government will be required to compensate the substitute clerks while the regular clerks are enjoying their leaves of absence.

Mr. MCMILLIN. It seems perfectly proper that the motion to reconsider should be entered.

Mr. FLOWER. I withdraw my objection.

Mr. DOCKERY. I knew the gentleman would do so when he understood that the House had acted under a misapprehension.

Mr. QUINN. As I understand, the granting of leaves of absence to post-office clerks will not involve one dollar of extra appropriation because the clerks remaining in the office perform extra duty during the absence of their colleagues.

Mr. CANNON. This whole question can come up on the motion to reconsider.

Mr. DOCKERY. Let the motion to reconsider be entered and lie over until the gentleman from New York returns.

Mr. PAYNE. My colleague [Mr. KETCHAM] would not have made the statement he did unless at the time he believed it to be true. If he were here now and the facts brought to his attention I have no doubt he would ask to have the matter reconsidered and the bill brought again before the House. I ask that gentlemen wait until my colleague comes in.

Mr. DOCKERY. There is no question as to the good faith of the gentleman from New York [Mr. KETCHAM].

Mr. HOLMAN. I hope the course suggested by the gentleman from Missouri [Mr. DOCKERY] and other gentlemen will be pursued; otherwise it is very clear that action upon measures by unanimous consent will be put an end to entirely.

Mr. FLOWER. Let the motion to reconsider be pending, then, until my colleague [Mr. KETCHAM] returns.

Mr. DOCKERY. I ask unanimous consent that a motion to reconsider be entered and that action upon it be deferred until the return of the gentleman from New York [Mr. KETCHAM].

Many MEMBERS. That is right.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that, notwithstanding a motion to reconsider was made yesterday and laid on the table, that motion may now be entered and considered pending. Is there objection? The Chair hears none, and it is so ordered. The Chair would suggest that it may also be necessary to recall the bill from the Senate.

Mr. DOCKERY. I ask that such an order be made.

The SPEAKER. In the absence of objection, the Clerk will be directed to request the Senate to return the bill.

There was no objection, and it was so ordered.

## 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. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.; and

A bill (H. R. 6946) providing for the sale of navy-yard and United States naval-hospital lands in the city of Brooklyn, N. Y.

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

A bill (S. 1636) for the relief of certain officers on the retired-list of the Army;

A bill (S. 3139) to aid the State of South Dakota to support a school of mines;

A bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation; and

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation in Washington.

The message further announced that the Senate further insisted upon its amendments numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 159, and 163 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN conferees on the part of the Senate.

## LEAVE TO PRINT ON SILVER BILL.

Mr. CONGER. A number of gentlemen on both sides of the House desire to print remarks on the silver bill. I ask unanimous consent that leave for that purpose be granted, provided that the speeches are filed for printing within the next five days.

The SPEAKER. Is there objection to the request of the gentleman from Iowa.

A MEMBER. What is it?

The SPEAKER. That leave be granted to all members to print remarks in the RECORD on the silver bill, provided they be filed within five days.

Mr. BRECKINRIDGE, of Kentucky. I object.

## FEDERAL ELECTION LAW.

Mr. MCMILLIN. Mr. Speaker, I demand the regular order in view of the limited time allotted to the consideration of the special order by the House, the election bill. I do not think the time given to that ought to be consumed in any other way.

The SPEAKER. The regular order is the further consideration of the special order; and the gentleman from Wisconsin is entitled to the floor.

Mr. HAUGEN. The discussion here on yesterday is a fair illustration of the views, theories, and practices of the two great parties on the question of suffrage. The two gentlemen who have preceded me on this side of the Chamber have pleaded for the protection of the individual without regard to race or color. They have recognized no distinction, but placed all on an equality before the law. They have advocated universal suffrage as the corner-stone of our liberties.

The gentleman from South Carolina, opening the debate upon his side of the Chamber, has been equally as frank in enunciating the position of the opposition. He freely avows that white men must and will control in South Carolina. He throws the Constitution to the winds when it says—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

And he registers a solemn oath that he will violate the laws of his country rather than that the State of South Carolina shall be Republican through colored votes, although their majority may be undisputed. I do not want to misquote him; here is what he says:

We know we must either rule that country or leave it. Now, for myself, before the people of the United States and before God in all reverence, I swear we will not leave it.

And here his party associates signified their approval by applause. He continued:

It is the home of our fathers. There their bones lie buried. They bought it with their blood when Concord and Lexington were the battle-fields of this country.

They have handed it down to us unimpaired; and, gentlemen, are we not our fathers' sons? Shall the blood first turn back in our veins? Shall we transmit

to coming generations a great and a noble State which has been overruled and downtrodden by a race whom God never intended to rule over us?

Sir, it was not my good fortune to be born within the United States. Had I been consulted as to my birthplace there is no flag I should have preferred to that of the United States; but I should not have chosen the State of South Carolina. The gentleman may honor and love his State. It is, perhaps, right and natural that he should. But South Carolina, the mother of nullification and secession, has been the cause of more misery, the shedding of more blood, the cause of more anguish and of grosser injustice in this country than all other evils we have encountered. Not because her people are not humane, not because they love injustice rather than justice. There are, no doubt, as good, kind, and patriotic people in South Carolina as in any other State; but, cursed with slavery, her leaders early became advocates of the oligarchic idea of government. Their conceit made them assume that they alone were fit to govern and all who disagreed with them were only to obey. The gentleman's ideas would be subversive of popular government, for he announces his unwillingness to abide by the decision of the majority.

The gentleman from South Carolina is ably seconded by the gentleman from Virginia [Mr. TUCKER]. Being a Democrat, the gentleman is a constitutional lawyer, of course. He argues that this legislation would be unconstitutional. He admits, however, that a "very respectable tribunal has ruled otherwise." The Supreme Court of the United States will undoubtedly be as pleased at this compliment from my friend as they will be grieved at his inability to concur in their decision.

His obligations to the colored race the gentleman desires us to understand he fulfilled when at an early period of his existence he kindly condescended to receive the nourishment so essential to an infant statesman and constitutional lawyer from his dear colored nurse. It is not the first time that the "dear old black mammy" has been called into requisition on the other side of this Chamber. God only knows how many Democratic statesmen the dear old lady is responsible for. [Laughter on the Republican side.] We simply ask you, gentlemen, that you extend that same consideration to her brothers, her sons, and her uncles that you professedly and confessedly have for the "old mammy," her sisters, and her daughters, and her aunts.

You are simply befogging the issue with your sentimentality. The question before us is, Shall the majority rule in this country? and to that I will address myself.

Mr. Speaker, the opponents of this bill seem to take a special delight in calling it a partisan measure. They say it is legislation in favor of the Republican party. Perhaps it is. They evidently fear it is. Sir, if this bill favors the Republican party it is because honest elections favor the Republican party. If this bill interferes with the continued supremacy of Democracy in certain sections of this country, it must be because that party relies for success upon methods which will not bear the light of day. The very arguments against this bill afford the strongest reason why it should pass.

All that this bill endeavors to do is to guaranty to every citizen his right to cast an untrammeled ballot and, having cast it, to have it honestly counted. We are legislating in the line of popular government. We are the "Democrats" in the true sense of that much-abused word, while you, my Democratic friends, represent special classes and advocate the recognition of an oligarchy to take the place of your much-lamented slavocracy.

We believe that no Republican governmental structure can be enduring without giving to the masses of society a full and free opportunity to be heard, and yielding implicit obedience to the legally expressed will of the majority, while your every effort goes to deprive the honest laborer of his right to vote, or to juggle with his vote, if cast, and your position on this bill proves it. You can not deprive Southern labor of its manhood without, at the same time, striking a deadly blow at Northern labor, for, regardless of color, they are co-laborers in the same field and competitors in the same market. The law can not protect the one without benefiting the other. Nor can it withdraw its protection from the one without seriously affecting the other. This is fully appreciated by our labor organizations, and any one who has read the journals devoted to the welfare of the laboring classes can not fail to have noticed the interest with which they advocate ballot reform.

This is a question of manhood suffrage. It is nothing more, nothing less. The question is whether caste shall be recognized in this country, whether a select few, possessed of superior intelligence, coupled with a supreme contempt for law, shall be permitted to hold the majority by the throat and sustain themselves by daring lawlessness in the official positions they have stolen. Your fight on this bill, my Democratic friends, gives away your case. If you had the majorities in your respective districts behind you, if you felt that your elections were honest, you would welcome and not avoid light and publicity of your methods. Instead of that you cringingly whine about frauds at the North.

No one here defends or excuses fraud at the North. If there are any election frauds at the North which this bill does not aim a blow at, propose your amendments and I for one promise you my support; but do not—

> Excuse the sins you are inclined to
> By damning those you have no mind to.

Fraud ought to be condemned wherever found, and your cry of sectionalism is puerile and does not meet the issue.

The bill is carefully guarded so as not in any manner to infringe upon the rights of the States. Its provisions are strictly confined to Congressional elections, which affect the legislation of the whole country, and it does not in any manner undertake to regulate local or State elections. The committee has kept strictly within the provisions of section 4 of Article I of the Constitution, which reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The bill before us is also general in its application. It can be invoked as readily in Wisconsin as in Louisiana. One hundred electors in any one Congressional district may invoke it and put the machinery in motion for the whole district. Fifty voters in any one county or city may secure its operation as to their county or city. If its exercise is not invoked in any district it will be because there are not one hundred men in the district who believe elections are not honestly conducted, or, which can hardly be presumed, because there are not one hundred voters in the district who desire honest, fair elections. And still we are accused of aiming a direct blow at the South by proposing this bill. There never was such an insult offered to the South as is implied in that charge. If elections are honest in the South—and I doubt not that in many districts they are honest—this bill will be a vindication and prove it to the world. If not honest, your charge that it is sectional is an excuse and apology for and defense of crime.

I am free to admit that as far as my State is concerned there is not much necessity for this legislation. We have local self-government in Wisconsin, something unknown south of Mason and Dixon's line. Our towns and cities elect their own precinct election officers, the surest guaranty to my mind of honest elections.

There are many precincts in my district where every officer of election is a Democrat, but the honesty of the election is never questioned. Their returns command the same implicit respect and import the same absolute verity as where the board is made up wholly of Republicans or of both parties. This, I think, can be accounted for by the fact that our local election boards are elected by the same voters whose ballots they receive and whose will they register in their returns. They are the leading men of their respective towns or cities. The eyes of their neighbors, whose confidence and good opinion they very properly and naturally court, are upon them and they can ill afford to juggle with the suffrages of their neighbors. As a result I verily believe our elections are as fair and free from fraud as it is possible to make them. And I say it to the credit of Democrats and Republicans alike, for there is no difference in the confidence our local election boards enjoy.

This system of absolute home government in elections has been further supplemented in Wisconsin by the Australian ballot, making the corruption of the voter practically impossible. Were the system of local self-government in elections general throughout the country I should not be in favor of the intervention of the General Government in this manner. I should in that event trust to the leaven of righteousness to be found in every community to work a safe and just solution of the question before us.

As a member of the Committee on Elections of the House, it has fallen to my lot to examine into the laws and methods of a number of States on this question, and it is astounding to a Northern man, accustomed to our local township government, to find how absolutely the people of the South have been robbed of every vestige of control of their own elections, at the same time that her political leaders have been shouting themselves hoarse, accusing the Republican party of centralization and infringement of "State rights."

"State rights" has served not only to clip the wings of the American eagle and cripple the Federal Government, but it has absorbed all the vital force and energy of every community within the State. If you honestly object to centralization consistency would suggest that that idea is as objectionable when lodged in a governor or State Legislature as when lodged in a President or United States Congress. I do not believe in it in either. I believe that all-enduring self-government must be like a pyramid, broad at the base, and that local self-government forms the foundation-stones supporting the whole.

But our Southern friends have inverted the pyramid and are now trying to support the tottering structure on its apex.

No foreigner studying our institutions, their origin and development, has viewed with a keener philosophy the question of local self-government and its beneficial influence upon the life and habits of our people than did the Frenchman De Tocqueville more than fifty years ago. In his Democracy in America, in discussing this question, he says:

> It is man who makes monarchies and establishes republics, but the township seems to come directly from the hands of God.
> There is certainly—

He says, referring to township government—

> no nation on the continent of Europe which has experienced its advantages. Yet municipal institutions constitute the strength of free nations. Town meetings are to liberty what primary schools are to science: they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a free government, but without municipal institutions it can not have the spirit of liberty.

In America not only do municipal bodies exist, but they are kept alive and supported by town spirit.

And referring especially to New England, where he finds the system of local self-government most fully developed, he continues:

The New Englander is attached to his township, not so much because he was born in it, but because it is a free and strong community, of which he is a member and which deserves the care spent in managing it. In Europe, the absence of local public spirit is a frequent subject of regret to those who are in power; every one agrees that there is no surer guaranty of order and tranquillity, and yet nothing is more difficult to create.

And he touches upon the spirit of patriotism, which is the natural result of this local system of self-government, as follows:

The native of New England is attached to his township because it is independent and free; his co-operation in its affairs insures his attachment to its interests; the well-being it affords him secures his affection, and its welfare is the aim of his ambition and of his future exertions. He takes a part in every occurrence in the place; he practices the art of government in the small sphere within his reach; he accustoms himself to those forms without which liberty can only advance by revolutions; he imbibes their spirit; he acquires a taste for order, comprehends the balance of powers, and collects clear, practical notions on the nature of his duties and the extent of his rights.

And in another place he says:

The township, at the center of the ordinary relations of life, serves as a field for the desire of public esteem, the want of exciting interest, and the taste for authority and popularity; and the passions which commonly embroil society change their character when they find a vent so near the domestic hearth and family circle.

Instead of smothering the budding ambition this system gives it vent and a safe escape. Our Southern friends are sitting on the safety-valve and depending upon their personal weight for security, at the same time that they recognize the increasing force of the elements and passions which they are endeavoring by main strength to control.

De Tocqueville is corroborated to-day by the fact that in those portions of the country where the township government is the least restricted there is no complaint of violence or fraud at elections. But even in his day, over fifty years ago, he recognizes differences in this respect in different sections of the country.

He says:

The farther we go toward the South, the less active does the business of the township or parish become.

And that consequently:

The power of the elected magistrate is augmented, and that of the voter diminished, whilst the public spirit of the local communities is less excited and less influential.

It is significant that this was written long before there was any "negro suffrage," and when that could not be given as an excuse or apology for suppressing the will of the voter. And still we find at that time this same tendency towards an oligarchic and aristocratic system of government in these States, which has reached more formidable proportions under the "Solid South" of later days. The cry of "negro supremacy" is a later invention, to cover the natural growth originating long before the enfranchisement of the colored race. It is a hollow pretense, used by the self-styled and self-appointed leaders to detract attention from their insidious attacks upon the rights of the common people to control and manage their own affairs.

There is no such school for intelligent citizenship and self-government as is found in our township system of the North. And at its very foundation lies the right to choose the officers to register the will of the community which they serve. Were this system general through the country all the evils which this measure is intended to remedy would gradually correct themselves.

There can be no greater crime against popular government than the suppression by force or fraud of the legally expressed will of the citizen at the ballot-box. It is treason to the sovereign and should be punished as such. If this bill shall check this evil and secure to the voter his right to cast a free ballot and have it counted as cast, the results upon the intelligence and patriotism of the future citizens of this country and upon the stability of our institutions will prove it one of the most important measures ever adopted by a self-governing people.

I have not examined the laws of all the States, but believe that the facts warrant me in saying that in none of the southern tier of States is the choice of election officers lodged in the community in which they are to serve. The citizen seems to be discredited at the very outset. He is insulted in your very legislative enactments with the implied charge that he is not fit for and can not safely be intrusted with the duties and responsibilities of self-government, but that some higher power, not emanating from himself, but coming down from the "State," must supervise and direct and control his action.

In good "Old Virginia" the Legislative Assembly appoints three electoral commissioners for each county. These in turn appoint the precinct judges. The precinct judges return members of the Legislative Assembly. It is a perfect wheel with the Legislative Assembly at the crank. There never was a more perfect invention for self-perpetuation in office than this. No people should be subjected to the temptations which it offers to designing and unscrupulous men. And the tendency in Democratic States is all towards this centralizing of power to permit a few officials in the State to control the elections.

In Maryland from the organization of the State—yes, from the very beginning of colonial government—down to the session of the last Legislature, the power of appointing local election boards was vested in the sheriff of the county. But some of the counties elected Republican sheriffs. The Democratic majority was dwindling away. And the late Democratic Legislature of Maryland took away even this slight approach to home government and removed the control of elections one step further away from the people by placing the power of appointing local election officers for the whole State in the hands of the governor.

That such tremendous power in the hands of one individual is dangerous to the free exercise of the elective franchise there can be no question.

In the State of Mississippi an electoral commission, consisting of the governor, lieutenant-governor, and secretary of state, forms the fountain-head from which flows all authority to supervise and conduct elections.

In Alabama the power is vested in the sheriff, county judge, and clerk of the court; in South Carolina it is in the State; likewise in Florida and North Carolina; in Arkansas, in the county judge.

In short, you may look all through the Southern States in vain for a discoverable trace of the home town or city government of the Northwest, inherited by us from New England. In Democratic States the tendency is all the time in the opposite direction, to rob the local community of the privilege of controlling its own affairs and to place at the head of the government the "State" instead of the people constituting the State.

We know why this is done. It grows out of the natural aristocratic tendency of the old slave system, aggravated by the change by which the labor you formerly owned became endowed with a legal status equal to your own. This hurts your pride, and, instead of assisting these new citizens with your advice and experience, you resort to any means, lawful or unlawful, to retain control and satisfy your vain selves that you are still the political superiors. You admit this in private. Your press admits it. The opposition to this bill admits it. It is admitted everywhere except "for the RECORD." The bar of this House forms the dividing line. Before it you are Jekylls; behind it you are Hydes. You are leading a double and unnatural and dishonest existence. Northern Democrats advise you that you must not be frank when discussing this measure upon this floor, as the truth confessed would hurt the party at the North. We all understand it and sympathize with you, for you are naturally a frank, open-hearted, truth-loving people, except when the interests of the Democratic party are at stake; and they are generally at stake when its history and methods are discussed. [Applause on the Republican side.] You resort to methods in elections at which civilization blushes. It is not a very noble and generous impulse which prompts an otherwise noble and generous people to see its own exaltation only in the oppression and degradation of others. It is a relic of barbarism, and not an evidence of civilization or christianity.

It ought not to surprise us that the same sentiment which advocates and supports such legislation as that to which I have alluded should take the next step and advocate the disfranchisement of labor and of the unfortunate poor and ask legal recognition of a property qualification in the voter.

There is a call out for a constitutional convention in the State of Mississippi. A leading Democrat of that State, an eminent jurist, at present one of the judges of the supreme court of the State, and an exponent of the advanced thought of the Southern Democracy on the question of suffrage, Judge J. A. P. Campbell, has issued an address to the people of Mississippi advocating the requirement of a property qualification in the voter and suggesting that such a provision enacted into law would restore supremacy to the whites, who there are equivalent to the Democracy. He seems to admit that under present law the Republicans—he prefers to call them negroes—have an undisputed large majority, impliedly, at least, conceding that in some unlawful manner only can the present Democratic control of that State be sustained.

What an admission for a member of the highest judicial tribunal of a great State to make! The clear-headed judge sees objections to his plan. He recognizes the resistance naturally to be expected from those whose only safety to life and liberty is the very ballot of which he desires to deprive them, and, combating in advance some of these objections, he says:

There should be nothing startling in the proposition to confer additional votes on a prescribed basis. The practice is familiar in the business world. In every joint stock company men vote according to the number of shares they own. Why not modify this sound business principle so as to make it safe, and apply it to government in our exigency?

The "sound business principles" of joint stock companies in this country generally aids the large stockholders in freezing out and squeezing out the small ones. Apply this principle which the judge advocates to government and the result will be the same. Government would in a few years be entirely in the hands of the wealthy few, who would ride rough-shod, like an ancient baron, over us common mortals. It would be the first nail in the political coffin of labor and manhood suffrage.

The judge continues:

One of the great objects of government is the conservation of individual ownership of property. The prime object and function of government is to protect men in the enjoyment of life, liberty, and property. Why, then, shrink

from making that fixed property, which is the subject of general ownership by the whites, as far as may be found necessary, a basis for augmenting the power of its owners?

The inconsistency of the last two sentences can only be explained by confining the word "men" to mean "white men." It was no doubt so intended. And further:

The right to vote is political, not natural—a privilege rather than a right. It belongs to every community to prescribe who shall vote and how many votes each person may cast, and this may be changed at pleasure. The people, in whom sovereignty resides, except as limited by the Constitution of the United States, may confer power to vote on whom they please and take it away when they wish to do so.

I know full well we can continue to govern this country. I have no fears as to that. But if we should have to resort to shotguns and Winchesters or to fraud, that would be too undemocratic for me, and it would be destructive of that "liberty, equality, and fraternity" so dear to us, and should be avoided if possible.

Now I do not feel like conceding that to a native citizen at least the elective franchise is "a privilege rather than a right." Such a doctrine may be true under a constitutional monarchy or under a government lately evolved from political guardianship, but it ought not to find sanction under our form of popular government, where—citizenship being established by birth or by adoption—manhood must be taken as evidence of political equality. The presumption is here in favor of the right, and the burden is upon him who challenges it.

"Resort to shotguns and Winchesters or to fraud," says Judge Campbell, should be avoided, "if possible." If possible to retain Democratic supremacy without them, of course. If the non-property-owner—generally the negro, but also the "poor white trash," for the judge makes no exception in his proposed legislation in favor of the "proud Caucasian," if the "proud Caucasian" does not possess the requisite wealth to command his respect and attention—will submissively lay down at the feet of his more fortunate and wealthier neighbor the elective franchise with which the laws of his country and its Constitution have endowed him, well and good. But, should he obstreperously refuse to do this, then the judge would, no doubt, turn his face to the wall, while his party friends proceeded, by violence or by fraud, to take away from him that which ought to give him a voice in enacting laws for the protection of his life, his liberty, his family, his all. The change advocated could never be made without, at the outset, depriving the legal voter of his right to be heard, but that does not, in the least, seem to shock the eminent judge.

Another Southern jurist, Judge Cate, of Arkansas, has spoken to this House upon this question. In his contest for a seat upon this floor he justified in his brief the outlawry by mob violence from the State of certain negroes of Crittenden County, Arkansas, some of whom had been elected and were at the time of their expulsion serving as county officers, upon the ground "that the whites own 98 per cent. of the property of the county." The fact that this property would be worthless without the labor does not suggest to these leaders of Southern thought the remotest idea that labor is entitled to any consideration. They proceed according to the doctrine that "whosoever hath not, from him shall be taken away even that which he hath."

Mr. STOCKDALE. Before the gentleman leaves that branch of this question will he allow me to interrupt him——

Mr. HAUGEN. Not now.

Mr. STOCKDALE. I thought the gentleman would not be willing to yield on that point.

Mr. HAUGEN. Very well; I will yield to the gentleman.

Mr. STOCKDALE. I wanted to say that in the State convention of Mississippi that nominated delegates at large to the constitutional convention that plan was not indorsed, and that nearly all the counties have nominated such delegates, and not one county has indorsed the plan.

Mr. LEWIS. Only one.

Mr. STOCKDALE. Only one county has adopted or recommended the plan the gentleman speaks of.

Mr. HAUGEN. Very well, Mr. Speaker, the gentleman has the benefit of his statement. I spoke of Judge Campbell as being a leading Democrat; does the gentleman deny it? The very fact that such arguments come from and are seriously discussed by leading men of the State shows an unhealthy state of public opinion on this question. I quote the statement of Judge Campbell for what it is worth.

It is a relief to a believer in popular government and manhood suffrage to turn from such plutocratic and narrow views to the broader, more humane, and more philanthropic ideas of the leaders and exponents of Republican thought.

The illustrious Speaker of this House, in a speech lately delivered at Pittsburgh, Pa., used the following language, in striking contrast to the expressions of the Southern gentlemen I have quoted. Mr. REED said:

Manhood, and not riches, manhood, and not learning, is the basis of our Government. We would like all our citizens to be learned, we wish they were all rich, but until they become both we will take the average of all of them as they are. Nothing less than that would be government "by the people."

Your laws may be bad, they may be sadly out of harmony with the ideas of home government or self-government, as we understand those terms, but this bill recognizes the State laws, such as they are, and only asks that all States, all communities, shall in good faith obey their own laws. And still we meet with objections. Our Democratic friends are not even satisfied with the enforcement of their own laws. We will take the most ingenious law you have devised to shut out voters and only ask you to honestly and openly enforce it. And still you object. You well know that district after district at the South would be Republican even with those laws honestly enforced. And you know that your party managers never hesitate at any unlawful act to set aside the lawfully expressed will of the majority, if that majority is not Democratic.

No stronger argument in favor of a national election law can be made than found in a letter written by the able gentleman from Mississippi [Mr. CATCHINGS] on December 28 last and published in the New York Tribune of March 24. The letter is addressed to a Mr. Seymour, who, I believe, is a member of the Democratic State committee of Mississippi. On the subject of a national election law and the effect of its passage Mr. CATCHINGS says:

You are mistaken, I think, in your idea that good would come of a general election law. In such an event I fear that many whites would leave us, destroying our solidity and cementing and making effective that of the negroes. I would regard it as a great calamity.

He speaks as a Democrat, I suppose.

If Cleveland had been elected the Republicans would have offered as a settlement of the question the repeal of the fifteenth amendment. Now they will not listen to anything, because they think they have satisfied the North and broken the solid South, and it looks as if they have done both. With a coercion election law nearly all of the Southern districts would soon be represented by white men largely elected by the negro vote and the negroes would be even more intense and aggressive than they are in Virginia, for they would be more numerous. We would have race collisions at first, but gradually they would be allowed to vote and would capture everything and this would cause them to organize in county and State elections also and give us additional trouble. I hope we will never have the law forced upon us.

There is plainly written between the lines the admission that the will of the majority does not at present find free expression in Mississippi, and that a national election law will effect that object; that the South is not honestly solid, and that under strict supervision, making fraud impossible or extremely difficult, the solidity of the South would melt away. It is not the negro as an office-holder that my friend General CATCHINGS fears, but the negro as a voter, for what he would consider a "great calamity" is that "whites largely elected by the negro vote" will represent Southern districts, "nearly all of the Southern districts," to use his words.

But we need go no further than to the official returns for evidence of unfairness to the North in the present election methods, and I desire to make a few comparisons by way of illustration between the official returns of Congressional elections in Georgia and like returns from Wisconsin. Other Southern States compared with other Northern States would show the same discrepancies, though perhaps less marked.

I turn to the election returns for 1886 and compare the figures returned by her own officers of election from Georgia with the official returns from Wisconsin. In 1886 there were 27,430 votes cast for members of Congress in Georgia. There were 283,590 votes cast for members of Congress at the same election in Wisconsin. The 27,430 votes in Georgia elected ten Congressmen. The 283,590 votes cast in Wisconsin elected nine Congressmen. If a voter in Wisconsin possessed the same power as a voter in Georgia, on this basis Wisconsin would elect 103 representatives instead of only nine. Or if the Georgia voter were reduced to an equality with the Wisconsin voter Georgia would have on this floor only one representative instead of ten. The Georgia voter is not numerous, but he wields a formidable ballot.

The average vote of a Congressional district in Georgia was 2,743. In Wisconsin it was 31,510. One vote cast in Georgia has the same influence upon National Government, upon questions of taxation, internal improvements, control of corporations, pensions, etc., as 11½ votes cast in Wisconsin. In Georgia 1,604 votes elected my friend Mr. CRISP. The lowest vote cast in any one district in Wisconsin was in the district of my Democratic colleague, Mr. BRICKNER, which cast 25,916 votes. Both districts are presumably Democratic. Comparing these two districts, the district in each State casting the lowest number of votes, we find that 1,604 votes elect a Representative in Georgia, while it takes 25,916 to accomplish the same thing in Wisconsin. In other words, one vote in Georgia on this basis is equal to 16 votes in my colleague's Democratic district in Wisconsin.

In the district I have the honor to represent there were 35,744 votes cast in 1886, and the comparison between those two districts shows that 1 vote in the district of the gentleman from Georgia [Mr. CRISP] was equal to about 22 votes in the Eighth district of Wisconsin.

Twenty-seven thousand four hundred and thirty votes in Georgia elected ten members of Congress. Each one of the districts in Wisconsin, except that of my colleague, Mr. BRICKNER, cast a larger vote than was cast in all the ten districts of Georgia. The census of 1880 gave to Georgia a population of 1,539,048; to Wisconsin 1,315,480.

As our Georgia colleagues are legislating for Wisconsin as well as for Georgia, they will pardon us for insisting that in this common game, in which all the people of this country are interested, they shall not play with loaded dice. All we want is fair play. There will be more prosperity and happiness in our family circle if you accept the situation. Do not sulk and pull out of the game because you can not boss it. You have tried that, and recollect how the head of the family got after you and brought you back.

The North is asking nothing, it wants nothing, that it is not willing to grant. We simply say, let the majority rule and let every qualified voter freely cast his ballot. We are willing to submit to any scrutiny in our States to attain this.

The great difference in election methods in the North and in the South seems to be that in our campaigns every nerve is strained to get every voter to the polls, while in many portions of the South every device is resorted to to keep him away.

As a mere educational institution the ballot-box and the conduct of elections are invaluable. As De Tocqueville says, "Town-meetings are to liberty what primary schools are to science." But our Southern friends are proceeding upon Mrs. Partington's theory, that Ike must not go near the water until he has learned to swim.

The world is moving on towards a recognition of the common brotherhood of man. Ever since the first French revolution the tendency in all governments has been towards the recognition of the individual and the breaking down of distinctions based on accidental birth, wealth, social relations, or learning.

He who stakes his life and the happiness of himself and family for his country, that being his all, offers as great a sacrifice as he who tenders his millions. One has as much interest in the stability of his government as the other. The safety of the future depends upon maintaining the absolute political equality of all.

Whoever is unwilling to trust to the intelligence of the average of his countrymen, as given voice and life at the ballot-box, is not a believer in popular government. And when a great party takes the unpatriotic position that the majority can not be safely trusted and defends methods to defeat its expressed will, it is taking a position so grave, so ominous in its consequences as to make the most enthusiastic believer in popular government doubt whether after all man is fit to govern himself. [Applause on Republican side.]

I reserve the remainder of my time.

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. COVERT. Mr. Speaker, I hazard nothing in saying that the most fervent and pronounced advocates of the measure now under discussion are the most impressive and declamatory in the enunciation of the often-quoted statement that this is "a Government of the people, by the people, and for the people."

I challenge all legislative history to produce any measure which shows greater distrust of the people, any proposed law which exhibits greater lack of faith in a Government by the people than the measure now under consideration.

This Republic had reached a century of its existence before a thought had been formulated looking to so sweeping a change in the fourth section of the first article of the Constitution regulating the manner of the election of Representatives to the Federal Congress. By common consent the work of the framers of the Constitution had been left substantially untouched in this regard, and the right of the Legislatures of the several States to prescribe the times, places, and manner of holding Congressional elections had never been seriously threatened, even by the most daring iconoclast.

Can any fair-minded man seriously believe that necessity exists for changing now a plan and policy that has stood the test of a century's trial?

Are we left in doubt as to the underlying motives for the passage of this bill? The history of the present Congress shows that the party in possession of the various branches of the Federal Government have deciphered the handwriting on the wall. By a reckless exercise of power they have sought and are now seeking to perpetuate their ascendency, even if their acts demonstrate their utter lack of faith in the people who make the Government. There can be no doubt of the motives underlying the effort to make this measure the law of the land. Leading representatives of the dominant party have, with assumed frankness, expressed their reasons for urging the passage of this bill and for overturning conditions which have prevailed for a hundred years of time.

In the city of Pittsburgh there exists, it seems, an association known in contemporaneous history as the "Americus Club." To this club, a few weeks ago, went the present Speaker of this House. Whether or not the association in question is "a deliberative body" I do not know. [Laughter and applause.] Certain it is that the Speaker, while deprecating speech-making in this House and, according to current report, "thanking God that this House is no longer a deliberative body" [laughter], unbosomed himself of an address before the assembled wisdom of the Pittsburgh club, taking as his text this proposed measure of Federal interference with elections. The gentleman who has just taken his seat [Mr. HAUGEN] has read extracts from this speech, and I also desire to quote from it:

Mr. REED said:

I have not for years been one of those who have talked about the South. For the last eight years no man has heard me, in the House or in the campaign, discourse upon either outrages or wrongs, murders or shootings or hangings.

And then the Speaker of the House, after this solemn silence of long years, generalized about alleged ku-kluxism, midnight shootings and harryings, bulldozing, ballot-box-stuffing, and cheating in the counting of votes.

Why he should have kept silent on these topics for years on the floor of this House and then discharged the whole lurid accumulation upon the devoted members of the Pittsburgh club can only be accounted for upon the theory that the Speaker really believes this House has ceased to be a deliberative body and that the Americus Club is such, and upon the further theory that the time has come to again "fire the Northern heart," and that heroic treatment must be resorted to to accomplish this result.

For, said the Speaker—

Progress is of the essence of Republicanism. To have met great emergencies as they arose has been our history. To meet emergencies as they shall arise must be our daily walk and duty, or we cease to be.

And the Speaker of the House was right. To meet great emergencies as they arose has been his party's history.

They met a great emergency in 1880 by sending Dorsey to Indiana, where, by the lavish expenditure of their corruption fund, the State was saved to them. Do you deny it, gentlemen of the majority? They met another great emergency in 1888 by the raising and expenditure of another immense election fund, under the auspices of the immaculate QUAY and by the efforts of the sanctified Dudley, whose confidential letters to his henchmen will live forever in the annals of our political history.

Divide the floaters into blocks of five and put a trusted man with necessary funds in charge of these five, and make him responsible that none get away and that all vote our ticket.

This was the injunction of the treasurer of your national committee in 1888. Do you deny it, gentlemen? Can any one say that the injunction was not carried out?

These are the methods by which you met these emergencies—the lavish and corrupt expenditure of money—which the Federal supervisors to be appointed under this bill can not check or control and are not expected to check or control. [Applause on the Democratic side.]

Discreetly silent as to the acts and utterances of the Dorseys, the Dudleys, the Quays, and the Fosters of his party, the Speaker, after generalizing about alleged outrages in the South, continued thus in his Pittsburgh speech:

What, then, is the remedy? I speak only for myself. What I say binds nobody but me, and not even me if the Republican party prefers another policy; but, speaking for myself, it seems to me that the only wise course is to take into Federal hands the Federal elections. Let us cut loose from the State elections, do our own registration, our own counting, and our own certification.

Here, then, is the underlying motive for the passage of this bill. Fearing that even the lavish expenditure of money will not be effective in meeting the emergency that confronts the party, it is necessary that the North should be alarmed and solidified by another recital of alleged Southern outrages, making this measure seemingly a measure of necessity for the South. It is not intended to be put in operation in the North. It is not intended for the district in Maine which sends the Speaker of this House to a membership here. It is not intended to be operative in the Massachusetts district represented by the author of the measure.

I firmly believe that the honest public sentiment of every Congressional district in the North would absolutely condemn the local enforcement of the law. But it is in the South and in the South alone, and to prevent by Federal intervention the freedom and fairness of elections there, that this bill is intended to be operative; and that this is the object and purpose is abundantly shown by the public utterances of the Speaker of this House.

If there be any one principle dearer than another to the mass of the American people, North as well as South, it is the principle of local self-government, the power of localities to establish regulations for their own guidance and government.

This principle more than any other in our whole governmental policy is distinctively American and appeals most strongly to the national heart. More than any other element entering into our system it fosters and strengthens this Government by and of the people. The advocates of this principle and supporters of this policy of local self-government have ever since the establishment of the Republic exhibited a generous confidence in the ability of the people to pass for themselves upon questions of governmental policy, in the ability of the people to govern themselves.

The old Federal party, from the very adoption of the Constitution, and the successors of that party, by whatever name known, have uniformly shown a distrust of the people and an indisposition to extend to them the privileges of self-government whenever and wherever this power could be abridged under color of law or of projected law.

I venture to say, sir, that since the old Federal party contended for a strongly centralized government, with the nearest possible approach to absolute power vested in the hands of Federal authorities, no more daring attempt to interfere with and weaken the power of the people in this matter of local self-government has been attempted than is sought to be consummated by the passage of this measure.

When the Federal Constitution came from the hands of its framers and was submitted to the various States for ratification insistance was most strongly made upon the principle that "all powers not expressly and particularly delegated by the Constitution are reserved to the several States, to be by them exercised."

I know that reliance is placed by the advocates of this measure upon the elastic phraseology of the concluding paragraph of Article IV, section 1, of the Constitution.

This is their "city of refuge," this the authority to which they turn when their power to make this serious innovation upon conditions long established is made the subject of challenge. Let me quote the section in its entirety:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Standing alone, with nothing to throw light upon the motives of the framers of the Constitution for the enactment of the concluding paragraph or of those who ratified it, it would seem that adequate power was intended to be given to Congress to alter at will any regulation established by State Legislatures for the regulation of Congressional elections.

No matter if a policy of non-intervention with this principle of local self-government had practically existed for a full century of the existence of the Republic; no matter if the several States, exercising within their own borders the powers conferred upon them by the Constitution, had successfully demonstrated their power to exercise with wisdom and with the best results the powers thus given to them; with no side-lights to show the impelling motive, it might be reasonably argued that the Federal Congress had the power to change at any time, at its own whim or caprice, a system and method affirmatively and directly provided and established by the fathers of the Republic.

Fortunately for those of us who are sincere in our desire to perpetuate this as a government of and by the people, we are not without light to show what was intended by the addition and retention of the concluding paragraph of the section just quoted. This very article regulating elections to the Federal Congress received deep and earnest attention when the several States were called upon to ratify the Constitution. Fears were even then—a hundred years ago—entertained by some of the wisest men who represented the States of the new Republic that grave dangers might follow the adoption of the section in its entirety. Even at that early day the specter of Federal intervention in the elections in the individual States alarmed those who had faith in the ability of the people to govern themselves. In the conventions of Massachusetts, South Carolina, New Hampshire, Rhode Island, and my own State of New York, words of earnest warning were spoken by far-seeing men against the retention of the concluding portion of the section.

How like the voice of prophecy are some of these utterances, coming down to us through the years that have gone. The lips that framed these utterances are cold and lifeless, but the words they framed, the protests they voiced, live and will live in reproach of those who, with impious hands, would seek to tear down the fabric which has existed almost untouched and unmolested since the very birth of the Republic. Let me seek to reproduce the echoes of some of these utterances, these notes of warning, and the arguments by which the fears of prudent and patriotic men, men who sincerely believed in a government by and of the people, were allayed.

When this section was under discussion in the State convention of Massachusetts in 1788, Mr. Bishop, one of the members of the convention, said:

By the fourth section Congress would be enabled to control the elections of Representatives. It has been said that this power was given in order that refractory States may be made to do their duty. But, if so, why was it not so mentioned? It has been said that the conduct of Rhode Island in recalling its delegates from Congress has demonstrated the necessity of such a power being lodged in Congress. * * * If the States shall refuse to do their duty, then let the power be given to Congress to oblige them to do it. But if they do their duty Congress ought not to have the power to control elections. In an uncontrolled representation lies the security of freedom, and by this clause that freedom is sported with. In fact, the moment we give Congress this power the liberties of the yeomanry of this country are at an end.

Mr. Strong, speaking to the same question, said:

If the legislative bodies of the States, who must be supposed to know at what time and in what place and manner the elections can best be held, should so appoint them, it can not be supposed that Congress, by the power granted by this section, will alter them; but, if the Legislature of a State should refuse to make such regulations, the consequence will be that the Representatives will not be chosen and the General Government will be dissolved. In such case, can gentlemen say that a power to remedy the evil is not necessary to be lodged somewhere? And where can it be lodged but in Congress?

Mr. Jarvis said, speaking in the same connection:

If it was argued that Congress might abuse their power, and, by varying the places of election, distress the people, it can only be observed that such a wanton abuse can not be supposed, but if it could go to the annihilation of the right the people would not submit.

In the New York convention of the same year, in discussing the ratification of this section, Mr. Jones said, "he did not think it right that Congress should have the power of prescribing or altering the time, place, and manner of holding elections. He apprehended that the clause might be so construed as to deprive the States of an essential right, which, in the true design of the Constitution, was to be reserved to them."

Mr. Jay said:

Every government is imperfect unless it had the power of preserving itself. Suppose that, by design or accident, the States should neglect to appoint Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that if this neglect should take place Congress should have power, by law to support the Government and prevent the dissolution of the Union. I believe this was the design of the Federal convention.

The New York convention only ratified the Constitution in full confidence that until amendments might be adopted—

the Congress will not make or alter any regulation in the State respecting the times, places, and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose or from any circumstance be incapable of making the same and that in those cases such power will only be exercised until the Legislature of the State shall make provision in the premises.

And the same direction in substance was made by the conventions of Massachusetts, South Carolina, New Hampshire, and Rhode Island.

Surely sufficient has been quoted from the debates and proceedings of the various State conventions called upon to ratify the then newly framed Constitution to establish the fact that grave fears were entertained relative to the large powers conferred upon Congress to unduly interfere with Congressional elections in the various States. Enough has been extracted to show that these fears were allayed by representations that these powers would be exercised only in the following emergencies:

Neglect on the part of the States to call elections, to prevent the dissolution of the Government by designing and refractory States, and to provide a remedy should any State by invasion or other cause not have it in its power to appoint a place where the citizens thereof might meet to choose their Federal Representatives.

No one has urged, and I challenge any gentleman on this floor to suggest, that any one of these emergencies has arisen or is likely to arise in any one of the States of the Union.

No, Mr. Speaker, it is through no fear of any emergency or condition which the framers of the Constitution imagined might occur, but through an idea—a mistaken one, it seems to me—that a perpetuation of power may follow affirmative action, that this measure is being pressed by those who favor its adoption.

And what is this proposed enactment which is to be the grand panacea for all imagined evils and which it is mistakenly supposed will continue indefinitely the power of its supporters?

Stripped of many superfluous words and needless repetitions, this bill of seventy-six pages embodies these provisions:

Chief supervisors of elections in judicial districts are charged with the execution of the law, which is to apply to Federal elections in cities of 20,000 inhabitants, or upward, and in entire Congressional districts exclusive of such cities, upon application to the supervisor of 100 voters, or in counties or parishes forming a part of a Congressional district upon application from 50 voters. The supervisors are to guard, scrutinize, and supervise registration and every act or incident connected with registration and plans for ascertaining who are legal voters. Upon notice from the chief supervisor, the United States circuit courts are required to open for the purpose of transacting registration and election matters.

The supervisors are to be appointed by the circuit courts, three in each election district or voting precinct, but two of whom are to be of the same political party. The supervisors are to attend all registrations in their districts, challenge persons, personally inspect and copy the original registration books and papers, attend elections, and detect and expose the improper or wrongful manipulation of the lists. In the case of failure of local election officers to put the statutory oath to a challenged voter and to pass at once upon his qualifications, then the supervisors are to apply the test and receive and deposit the vote, making a list of all such challenges. They are also to personally inspect ballot-boxes before elections, keep independent ballot-lists, and inclose rejected votes (indorsed with the name of the voter) in envelopes.

In addition to these duties the supervisors are required to make, in towns of twenty thousand people and upwards, a thorough house-to-house canvass before election, to inform voters upon inquiry where and in what box to deposit their ballots, and to scrutinize naturalizations. In canvassing the votes the State laws are to govern, except that all ballots are to be counted by tens, first by an inspector of election, and second by a supervisor, the local election officers and the supervisor keeping separate tally sheets, which are to be compared and the result publicly announced. Ballots deposited in the wrong box are to be counted.

Returns are to be made by the supervisors in duplicate to the clerks of the United States circuit courts and to the chief supervisor, who is to tabulate and refer them to the United States board of canvassers of the Congressional vote, which is to be appointed by the United States circuit court, and consisting of three citizens of the State and persons of good repute, no more than two of whom are to be of the same political party. The board is to convene on November 15 each even year, and is to declare and certify the result of the election, and send one return to the Clerk of the House of Representatives, one to the governor of the State, and one to the proper chief supervisor of elections.

The Clerk of the House is to place upon the roll of members-elect the names of the persons declared elected by the United States canvassers, in case there is a difference in the result reached by them and the State election officers. A penalty of between $1,000 and $5,000 is provided in case the Clerk neglects this duty. All boxes are to be clearly described, with its nature, and boxes are to be kept in plain sight and open to inspection. Bribery or attempted bribery of voters or election officers is made punishable by a fine of not more than $5,000, or imprisonment for not more than five years, or both.

Like severe penalties are provided for false registration and voting, repeating, coercion of supervisors or voters, improper conduct of election officers, false canvassing, ballot-box-stuffing, fraudulent-ballot distribution, resistance to a supervisor's lawful commands, breach of the peace at registration or election, intimidation, and almost every known kind of election fraud.

It will be observed that, without any proof, or, indeed, any pretense of actual or suspected fraud or wrong, at the option of an irresponsible and insignificant minority, representing about 1 per cent. of the voters of the locality to be affected, all this elaborate and expensive machinery can be set in motion, and the law, with all the odious features it embodies, can be forced upon a possible unwilling majority of 99 per cent. in the localities to be affected by its operation.

I take as authority the carefully digested opinion of able and prac-

tical members of the committee that this bill may, if it becomes a law and its operations are extended over the whole country, give rise to the employment of 350,000 Federal-election officers at an estimated expense of $10,000,000 every year when the regular Congressional elections are held. But I am not discussing the matter of the possible expense entailed. I am discussing the utter uselessness of this bill, and I am endeavoring to analyize the motives which are behind it.

Under former acts but two supervisors were employed at any one precinct. This bill enlarges the number to three, two of whom may be of the same political party. The judges and clerks of the circuit courts are made agents in carrying out the provisions of the bill, subjecting these judicial officers to participation in possible plans for party supremacy.

The chief supervisor may send to the circuit court lists of persons whom he shall believe to be eligible for appointment as supervisors until the court shall have appointed such number as the chief supervisor shall believe to be sufficient to provide for the filling of all election districts. No publication of these lists is directed to be made and no opportunity is afforded to challenge or question the character or fitness of the persons thus recommended. After action upon the lists so presented is had by the court, the lists of eligible persons are directed to be filed, not in the office of the clerk of the county or district affected, where they would be open to the public, but in the office of the chief supervisor of elections, not for public inspection, but, as this bill vaguely puts it, "for future reference."

To make the law as obnoxious as possible to the principle of local self-government, power is given to the chief supervisor to transfer any subordinate from his home district to any other part of the Congressional district affected and for this subordinate to perform his duties among people whom he does not know and who do not know him. In cities or towns of 20,000 inhabitants this possible stranger may, under instructions from the chief supervisor, "make a thorough house-to-house canvass," and ascertain the name, age, nativity, term of residence in county, State, or district, "and other qualifications as a voter" of every male person therein residing, to make a list of all naturalized persons and the names of their witnesses.

The echoes of the protests of an indignant people over the inquisitorial character of the work of the present census have not yet died away; but I submit that these sections of the pending measure are infinitely more obnoxious than anything committed to the hands of the census enumerator and which provoked general and merited adverse criticism.

Mr. DUNNELL. Will my friend from New York yield for a question?

Mr. COVERT. Certainly, sir; though my time is limited.

Mr. DUNNELL. Is not the gentleman from New York aware of the fact that these questions which appear in the census blanks of this year are precisely similar to those which appear in the census blanks of England and of all the civilized nations of Europe?

Mr. COVERT. Possibly all this may be so. I do not challenge the statement of the gentleman from Minnesota [Mr. DUNNELL] about that, but I want to remind my friend from Minnesota, and I want to remind gentlemen generally on the other side, that in the monarchical countries of Europe governments have for hundreds of years sported at will with the rights of the people and have treated these rights with contempt. [Loud applause on the Democratic side.] I want to remind my friend from Minnesota that this is not an empire. [Renewed applause.] That we live to-day, thank God, in a free Republic. [Renewed applause.] I want to remind gentlemen on the other side that this Republic still lives, and that we live under it, despite the efforts that have been and are being made by you of the majority to weaken and destroy the virtues of Republican institutions. [Loud and continued applause.]

Mr. DUNNELL. Will the gentleman from New York allow me to ask him another question? I want to ask him one further question.

Mr. COVERT. I would be glad to answer now all questions if I could, but my time is limited. At the conclusion of my remarks I shall be glad to answer any question of my friend from Minnesota, but he must bear with me for the present. I have spoken, sir, of the distrust of the people shown by the promoters of this bill. This distrust evidently enters the opened doors of the temples of justice and extends to the very courts in session there.

The bill empowers the Federal supervisors "to observe and scrutinize the manner in which naturalizations are being made, and to aid the courts in the matter of preventing fraudulent naturalizations; and for these purposes to have at all times free access to all rooms where such proceedings are being conducted." The bill naively adds, however, that the provisions of this subdivision shall apply only to such "discreet or special supervisors" as shall be detailed by the chief supervisor, the inference being unavoidable that not all of the supervisors to be appointed are discreet or are to be safely intrusted with the difficult and delicate duties enjoined upon them by the proposed measure.

All through the bill these Federal supervisors, appointed over the heads of the citizens and voters of the several States, are given powers in the registration, reception, and counting of votes where Congressional elections are involved, equal in every respect to the powers devolved upon the tried and trusted inspectors elected by the people. The presence and voice of the Federal supervisor are as potential as those of the inspector, more potential perhaps because of the stronger Federal power behind the supervisor, and which will stand ready to sustain and uphold him in his official action. Surely it is not too much to say that the presence of these Federal supervisors at the polls, charged with the large, explicit, and discretionary powers given to them by this bill, will be the herald and the signal of the death of local self-government. It will be a shameful and humiliating confession that the citizen is no longer the sovereign and that a government of and by the people no longer exists. [Applause.]

But perhaps the most iniquitous features of this most extraordinary and unnecessary measure are the sections providing for the establishment of United States boards of canvassers. The members, appointed by the circuit courts, are to hold office "so long as they are faithful and capable;" they are to canvass the votes cast for Representatives in Congress in any State in which this Federal election law shall have been in operation and are to make certificate of the result of their canvass and return a copy of the same to the Clerk of the House of Representatives, who shall place upon the rolls of the House the names of those declared by these Federal boards of canvassers to have been elected.

Where, then, are the rights of the people in the individual States to conduct and certify elections for Congress held within the limits of their several States? Swept away, as the leaves are swept by a blast of the autumn wind!

Where, then, is the principle of local self-government? Throttled and sent to its death by the clutch of Federal authority!

Where, then, is this ideal government of and by the people? Existent only in an empty name and having no more actual being than a dream of the night! [Applause.]

The attempted passage of this measure; the projected presence of Federal supervisors at the polls, with the large powers here given them; the establishment of Federal boards of canvassers, with authority greater than that exercised by State boards, recall most vividly the history of the darkest days in the existence of the Republic. Not the days of the civil war, because, dark and gloomy as that period was, it was lightened and illumined by deeds of heroic valor performed by myriads of brave men on the field. It was lightened and glorified by the spectacle of a devoted people sacrificing without a murmur its best and truest blood for the preservation of the Republic and for the continuance of this Government of and for the people. [Loud applause.] The darkest days of the Republic, in the truest sense, were the times following the close of the war, the time known as the period of reconstruction, and extending up to the time of the completion of the Federal commission following the Presidential election of 1876.

Has the country forgotten the dark history of this period of less than fifteen years ago? Have the outrages perpetrated in the sacred name of law in the States of Florida and Louisiana faded from the recollection of intelligent men?

Bear with me while some of these incidents are briefly recalled. Nothing but the exigency of the time, nothing but the importance of the matter here discussed, induces me to invite attention to these occurrences, blots upon the fair pages of the Republic's history which every lover of his country would gladly forget if he could and would refuse to uncover and reveal unless at the stern command of duty.

During the Republican control of Florida the State had a returning board whose duties were to scrutinize the count and make an honest return of the votes actually cast. Their duty was to publicly canvass the vote as shown by the returns on file and to forward certificates to the secretary of state and governor. In 1870 the supreme court of Florida had decided that it was the duty of the State canvassers to determine whether the papers submitted to them were genuine returns, and, if so, to count and canvass them; and in 1876 the same court, of which a majority were Republicans, unanimously reaffirmed that decision.

On the face of the returns the State of Florida gave a majority for the Tilden electors. This result was overcome by the Republican board of canvassers by arbitrarily rejecting portions of the votes regularly and duly returned to them. By an unlawful exercise of discretionary power they excluded the entire return from Manatee County, which had given the Tilden electors 262 votes as against 26 votes for the Hayes electors. But the returning board, without having judicial power, threw out the whole vote of the county, because they said the board of registers had no clerk. It was known as a Democratic county, and Stearns, the Republican governor, had purposely refused to appoint any one as clerk. This was evidently a plan to steal the vote of that county, and the vote of that county determined the vote of the State.

Parts of the returns from the counties of Hamilton, Monroe, and Jackson were excluded for like unreasonable causes—the votes thus thrown out aggregating over 1,000—and thereby the State was counted for the Hayes electors.

And thereafter came the work of the Electoral Commission. By a strict party vote the commission refused to inquire into fraud in the appointment of electors, and refused to receive evidence thereof or to

inquire into their title, and refused to recognize the vote cast by the electors appointed in accordance with the constitution and the laws of Florida, and which, upon the completion of the canvass directed by the Legislature, and conducted in accordance with the direction of the supreme court, had been verified as the only real appointment by Florida. Corrupt as the returning board may have been, let us see, apart from the action of the Electoral Commission, what was the effect of immediate Federal intervention so far as the certification of the vote of Florida was concerned.

Eight officials, prominently connected with the Federal Government, and three "visiting statesmen," standing very near to the then Administration, were in constant attendance upon the State board during its sessions, giving to the board the "moral support" of their presence and presumably their advice in canvassing. Can any sane man doubt that the presence of these accredited agents of the Federal Government tinged and shaded at least the action of the State board in reaching a conclusion? It is a significant fact that each of these three "visiting statesmen" at once upon the incoming of the Hayes Administration was rewarded with valuable office. Noyes was made minister to France, Kasson minister to Austria, and Wallace governor of New Mexico.

While the conditions in Florida during this dark period were most deplorable, the conditions existing in the State of Louisana were, if possible, still worse. Her returning board was given power to possess itself of the returns and, if any protest accompanied them, to hear evidence as to the allegations contained in the protest and to decide thereon; and the law authorized them, in case they decided that the election at any poll had not been fair and free, to exclude the poll entirely, but not to purge or correct it. The only purpose of this provision seemingly was to disguise fraud, and this purpose was carried out to its fullest extent. But, notwithstanding all these partisan devices, as a result of the largest vote which had ever been cast in the State, the Tilden electors received a majority of over 6,000 votes, and the returns were unaccompanied by a single protest, except one, against Republican frauds in Concordia Parish.

The returning board had no power, in the absence of protests, except to canvass the votes and certify the result. But an emergency confronted them, and the emergency was promptly met. The Speaker of this House has told the country that it is the mission of his party to meet these emergencies. Supervisors of registration were induced, after the returns had been received, fraudulently to pretend that it was unsafe to make protests with their returns. Proof exists that supervisors who had certified to a perfectly free, full, and peaceable election were induced by party persuasion and promises of reward to make false and fraudulent protests, and all this after the returns had been submitted to the returning board.

As an instance of the methods practiced, it has been conclusively proven that a Republican conspiracy was concocted in the parishes of East and West Feliciana by which all or nearly all the Republican voters absented themselves from the polls, thereby affording a pretext for rejecting the vote of these localities, where there were large Democratic majorities, on the ground of alleged intimidation. The proof was that the election in both these parishes was perfectly fair and free from all intimidation or restraint; it further established that one Anderson, the supervisor of elections for one of these parishes, was urged to protest his parish; that he refused on the ground that there was no foundation for such a protest, but that he finally yielded upon promise of Federal reward, and thus it was arranged that over 1,000 votes were rejected from West Feliciana and more than 1,700 were thrown out from East Feliciana. Another instance of injustice was this: In Orleans one return showed 297 or 299 Democratic votes; because the last figure was so formed that it could not be clearly determined whether it was 7 or 9, they rejected the whole poll.

I have not the time, Mr. Speaker, though I have the notes before me, to show other instances of gross wrong and corruption in the canvassing and return of the vote of Louisiana at this election. By every arbitrary and unjust act enough Democratic votes were excluded to give the State to the Hayes electors and to Packard for governor.

And now as to Federal intervention in the bringing about of this result. How easy it is to discern "the trail of the serpent."

In this State, as in Florida, the managers had the support of leading members of their party, specially delegated by President Grant to attend the canvassing of the votes. They were there, as Assistant Postmaster-General Brady testified: "To represent the President, and to say to the witnesses that the Republican party and the authorities at Washington would stand by them."

Can any fair-minded man doubt that the presence of these "visiting statesmen," with all the authority that their presence implied, their tone and manner, coupled with the presence of Federal bayonets, the intervention of both the civil and military branches of the General Government, influenced and controlled the certification of the vote of Louisiana and gave that State to the Hayes electors, despite the large majority the Tilden electors had received?

These gross outrages upon the rights of the voters of Louisiana met the commendation and approval of the party in power, the party now clamoring for "purity in elections." This is shown in no uncertain way. Wells, president of the returning board, was made surveyor of the port of New Orleans; twelve others, connected with the same body, were given lucrative official positions, the various supervisors were likewise provided for, and, indeed, every one officially connected with the frauds and outrages practiced in the Louisiana election of 1876 was recognized and rewarded by appointment to Federal position.

To show the utter hollowness and insincerity of any claim that the vote of Louisiana was rightly certified by the returning board and approved by the Electoral Commission, it need only be stated that Packard for governor had received over 2,000 more votes in the State than the Hayes electors; and yet so soon as the new President was inducted into office he declined to recognize Packard as governor, withdrew the Federal troops from New Orleans, and Governor Nicholls, who from the first had claimed to be elected governor as the Democratic nominee, thenceforth continued to act and to be recognized as governor of the State.

The present Speaker of this House was a member of a committee appointed by the Forty-fifth Congress to inquire into the matter of these frauds and wrongs in Florida and Louisiana. He presumably heard the testimony offered before the committee. Is it any wonder that for long years he has stood absolutely mute upon this whole question of alleged Southern election outrages?

This, then, is the primal aim and object of this projected law. It is not intended to benefit the Southern Republicans so much as to "fire the Northern heart" and to induce the belief that gross wrongs are perpetrated upon the negro voter of the South, wrongs which will be remedied by the passage of this measure.

If current reports of discussions in the caucus which adopted this measure are to be credited, leading and influential Southern and Southwestern Republican members of the House utterly condemned this measure and protested against its enactment into law.

They denounced this bill as a sectional measure, productive of nothing but evil to the South. They declared that it would only intensify race prejudices and engender sectional hostility. They pointed out the fact that with all the talk of alleged frauds in North Carolina, Alabama, and other States of the South not a single indictment had yet been found, though judges and district attorneys were alike Republican. They asked, if fraud was rampant in these States as charged, why could not Republican officials enforce the laws now on the statute-books? They urged that what was needed in the South was for them to be let alone and that force bills and election bills would prove abortive and make Republican success in those sections absolutely impossible.

These were honest Republican utterances, coming from the very sections intended to be affected by the operations of this proposed law. They were words of sober truth and earnestness. The effect of this measure in its operation in the South can only be to "intensify race prejudices and engender sectional hostility." Under its provisions are afforded room and scope for just such practices as disgraced the political history of Florida and Louisiana during the period I have discussed.

Federal intervention worked untold evil with the elections in those States then. There is room and verge for the perpetration of greater wrongs in every State in the Union under the provisions of this bill if it becomes law.

The days of the returning boards and of the Electoral Commission have gone—the liberty-loving people of the whole land had fondly hoped never to return.

At once upon the breaking up of the infamous methods which had characterized the period of reconstruction a new era dawned upon the South, her people, and her interests. Honest methods, both in her elections and in the conduct of her public officers, took the place of false registration, corrupt manipulation of votes, and reckless and dishonest methods of conducting State affairs. The credit of the several States, absolutely broken and ruined during the reconstruction period, became fully restored.

Her people resolutely and manfully and honestly entered upon the work of building up their business interests and in developing the rich resources of the several States. Their efforts were crowned with an abundant, a marvelous success. The vast resources of the South were brought to the attention of the North, and a cordial invitation was extended to Northern people to migrate thither. In every section of the South warm hands greeted the men of the North and warm hearts gave them shelter. The question of party politics never affected the cordiality which awaited the stranger in the new-born South. [Applause.]

The SPEAKER *pro tempore* (Mr. PETERS). The time of the gentleman from New York has expired. [Cries of "Go on!" "Go on!"]

Mr. QUINN. I ask unanimous consent that my colleague [Mr. COVERT] be allowed to continue for ten minutes longer.

Mr. COVERT. I only ask five minutes.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from New York as requested? The Chair hears no objection.

Mr. COVERT. I thank the House for its courtesy and will not long trespass upon it. I was speaking of the migration of Northern people to Southern sections. Northern capital speedily found safe and profitable investment in Southern mines and Southern manufactories; these

investments are there to-day, returning large and secure incomes to people having homes in nearly every section of the North. I ask gentlemen of the majority not to imperil by the passage of this bill the peaceful and prosperous conditions which prevail to-day in every State of the regenerated South, conditions affecting the peace and prosperity of every section of our common land. [Applause.]

Do not, gentlemen of the majority, seek to incite, or deepen, or strengthen a race prejudice fast dying out, even if it has not already ceased to exist. The rights and interests of the colored people of the South are amply conserved and protected under existing law; they are wage-workers and wage-earners; they have all the rights of citizens and voters; and, more than this and better than this, their children are being educated at State expense, and are thus being fitted for the better discharge of all the duties of citizenship. [Applause.] The problems that vexed the people of the South during the period of reconstruction have been substantially solved. If any yet remain their solution is being rapidly accomplished by natural and logical means.

I beg you, gentlemen, by negative votes upon the passage of this bill to again make assurance to all mankind that the civil war was ended over a quarter of a century ago. I ask you to give assurance again that no warfare is now being waged in or by the South except honorable battles for industrial supremacy and material prosperity. [Applause.] I ask you again to remember that the delvers in Southern mines are from the North as well as from the South and that they cast Republican as well as Democratic ballots; that smoke clouds ascend no longer from fields of carnage, but from the chimneys of factories conducted by men and means coming from the North and from the South alike; that cattle may be heard lowing upon the hillsides and in the valleys more than a quarter of a century ago devastated by the tread of contending armies; and that the observer, from an exceeding great height, looking down, can once again behold all the sons and daughters of America basking in the sunlight of a perfect peace! [Loud applause.]

It is our duty—it should be our mission—to make this peace a permanent peace, as enduring and as perpetual as the very life of this Republic. [Loud and long-continued applause on the Democratic side.]

Mr. FLOWER. Mr. Speaker, the gentleman from Massachusetts [Mr. LODGE], in his remarks yesterday, declined to be interrupted when he spoke about the election frauds in the city of New York in 1868. He went back twenty-two years to find fraud in that city and State. But, sir, since the legislation enacted by the Democrats and Republicans almost unanimously in the Legislature of 1870, we have had no election frauds in the city or State of New York, and since the bill passed last year embodying what is called the American ballot system, a bill voted for by every Democrat and every Republican in the New York Legislature, we have, as we believe, solved this question of an honest ballot without the intervention of a supervisor or any other Federal officer.

Mr. Speaker, if this House is ambitious to go down in history as the body that inaugurated a series of legislative acts having for its purpose the reversal of the policy that has received the sanction of the American people throughout a century of successful popular government, its efforts in that direction deserve and are well calculated to bring it a fair measure of gratified ambition.

It signalized its meeting by relying upon what some persons were pleased to denominate general parliamentary law, that is to say, upon the will of the presiding officer, for the integrity of its proceedings, and when forced by the demands of the minority and the strength of public opinion to adopt a system of rules, it enacted a code that is unprecedented in any free parliamentary body, and to which it has adhered only in so far as it could be made to serve the purpose of those to whom it owes its paternity, and from which it has invariably departed either by construction or the adoption of a special order whenever party exigency seemed to demand the pursuit of such a course.

ENACTMENT OF LAWS WITHOUT CONSIDERATION.

Under these pernicious methods of procedure, legislation the most far-reaching and radical has been enacted without consideration by the Representatives of the people; the Republican caucus has usurped the functions of the legislative department provided by the Constitution, and its dictates have been made the rule of action of at least this branch of Congress; that free and untrammeled debate which the Speaker of this House once very properly pronounced the normal state of a deliberative body has been abolished; amendment of measures of the utmost concern to the country has been made impossible, and the minority on this floor, representing a large majority of the people, has been silenced whenever, for partisan purposes, it has been desirable to rush through this body any pet scheme with its meaning unexposed. And now by these same dark-lantern proceedings it is sought to add the keystone to the arch of infamy by placing in our statute-books an unconsidered law intended to accomplish in the country what has been accomplished in this House as to the minority sitting here: to prevent the free expression of the will of the people and to secure by an ante-election decree a Republican majority in the Fifty-second Congress.

It is difficult, if not impossible, to satiate the ambition of the Republican party for power, and that party has taxed its ingenuity, trained in chicanery, without limit to devise methods of gratifying its appetite for spoils. Not satisfied with overthrowing the will and setting aside the choice of the people in this House by unseating their chosen Representatives by election, it now seeks to avoid this slight inconvenience of taking action in each case separately by the enactment before election of a measure that is intended to make a choice by the people impossible.

The consideration that the people will not long submit to have their rights thus trampled under foot takes nothing from the flagitious character of the attempt, and it remains to be seen whether or not the American voter is still sufficiently capable of self-government to place the seal of his condemnation on this attempt at the first opportunity that is afforded him.

It is not my purpose to undertake the discussion of the constitutional and purely legal questions involved in this legislation. This may well be left to those who have given more attention to the study of the law than I have. But, upon the policy of having the General Government invade the precincts of local administration and then set up its authority to dominate the people in their domestic affairs, my convictions are well settled in aversion, and I wish to give them expression upon some features of the pending bill.

ELECTIONS BY SUPERVISORS AND DEPUTY MARSHALS.

The whole measure is based on an unrepublican, an undemocratic, and an un-American distrust of the people and the officers selected by them, and is constructed upon the idea that a small Republican majority in Congress can better legislate for their interests and better administer the laws than they can themselves. It is a bill to provide for the selection of Representatives in Congress by supervisors and deputy marshals, and the people of various localities throughout the country know from experience the meaning of this way of conducting elections. It is not a bill to make a new system of regulations concerning elections, for it adopts in most particulars the systems of the States, but it is a bill to foist upon the people a horde of Federal officials responsible to no one who is able or inclined to compel them properly to discharge their duties. It employs the machinery of the States and utilizes the local officials to manipulate under the supervision of Federal officers the instrumentalities and returns of election. It is not the laws enacted by the States that the Republican party fears, but the free expression of a choice by the people of the local communities under those laws. It is, therefore, the object of this bill, not to repeal the laws, but to substitute for local officials the tools and subservient appointees of a Republican Federal Administration, under the immediate control of a chief supervisor with almost unlimited authority. The purpose of the measure is to get into the hands of the Republican party the whole election machinery of the States, and, in order to accomplish this design, there is manifested a willingness to degrade the Federal judiciary by dragging it into the filth of partisan politics and to make it the instrument of oppression to the people. Almost every circuit and district judge on the Federal bench belongs to the party that is attempting to drive this bill through Congress, and a more blindly partisan use of the judiciary of a country than will follow the enactment of this measure has never disgraced any people since the time of Jeffreys and the Star Chamber.

PROSTITUTING THE JUDICIARY.

No judicial system can be subjected to this abuse and retain the confidence and respect of the people; and any court that will lend itself to the execution of the corrupt purpose of a partisan clique and become the willing servant of an unscrupulous political oligarchy richly deserves the popular execration it is sure to receive.

The subjection of the circuit judge and the courts to the beck and call of the supervisor of elections to convene the courts at his pleasure, to execute his will, and to have its proceedings determined by the influence of a set of petty political corruptionists, bent upon installing in office the men who shall have been already elected by Republican conventions, can result only in unsettling the judicial system of the country and shaking that only sure foundation of our Government, the confidence of the people in Republican institutions.

It is provided that the circuit judge may assign any district judge within a State to the discharge of the duties devolved upon him whenever he is unable to discharge them himself and that the circuit judge may at any time revoke such assignment and make a new one or reassign the first district judge assigned. This is a wise provision in furtherance of the object of keeping the Republican forces well in hand, and it may be assumed that no district judge, once assigned to do the bidding of the supervisor, will prove recalcitrant. If he should become disagreeably free from the power of the supervisor, that august functionary need but to report him to his confederate, the circuit judge, and then have a more docile servant placed on the bench.

This autocrat of elections, the chief supervisor, has his powers well set out in the bill, though they are hardly as well limited and defined as ordinary precaution would require. About everything that is to be employed, everybody who is to employ them and everybody interested in their employmentare to be "guarded, scrutinized, and supervised" by him and his minions. His presence and authority are to pervade the affairs of the people and his *ipse dixit* is to be the law, and any failure or refusal of the local authorities to conform the discharge of the duties imposed upon them by their local laws to what he may

be pleased to consider for the best interests of the Republican party is to be rebuked by their being hauled up, frequently many hundreds of miles from their homes and when they can not compel the attendance of their witnesses, before a partisan Federal court and a partisan jury summoned by a partisan marshal, to answer the complaint of a partisan supervisor or a partisan deputy marshal acting under the direction of a partisan chief autocrat of elections.

Sir, the history of political persecutions in some of our Federal courts is already rank with unscrupulous abuse of the law, and this measure, if passed, will add many a chapter to the story of judicial oppression. It makes crimes against the General Government many acts that are now punishable only by local law, and it reaches out to the private citizen and the public official alike, placing it within the power of a supervisor or deputy marshal to render impossible the discharge of public duties by those upon whom the States and local communities have imposed the obligation of their discharge.

CONFUSION OF AUTHORITY.

By the singular confusion of Federal and local authority the bill is calculated to bring about conflicts between the officers assigned to duty under the laws of the General Government and the States, and the most charitable view to the intelligence of the framers of the bill is that it is intended to produce these conflicts in order that tales of resistance to the laws of Congress may be told to influence those who are not acquainted with the conditions that produced the strife.

It is made the duty of the supervisors to supervise the registration and all proceedings pertaining to the registration of voters; to challenge voters and their right to registration; to watch over the adding to or taking from any registration-list and the transfer from one list to another of any name; to challenge the right of any name to remain on any list; to require any officer in charge to mark any name for challenge; to "inspect, scrutinize, and examine at any time" all books, rolls, or lists of specified registration systems; to make a copy of any documents pertaining to the registration of voters; when directed by the chief supervisor, to sign each page of the original registration papers "in such manner as will, in his judgment," serve the purpose for which he is directed to perform this duty. And all these things are to be done by him, notwithstanding the fact that such registration systems are established for the purpose of registering the voters in all elections for all officers, municipal, county, State, and Federal.

The supervisor must "personally examine and inspect," "before any ballot shall be deposited by an officer or elector in any box intended to receive any ballots for any officer whatsoever, the interior of each and every box" in which ballots are to be deposited at the election that day, to see that no Congressional ballots are there. And when, in the count, ballots for Representatives in Congress are found in any box intended exclusively for the deposit of ballots for other officers, it is the duty of the chairman or acting chairman of the inspectors of election to count such wrongly deposited ballots and to hand them to the chairman or acting chairman of supervisors. These things, with many, almost an infinity, more of a like kind, are to be done, and it may be safely said, sir, that never before in the history of this country has there been such a jumble of local and Federal functions in any law. Such a bungled mingling of duties of officers acting under separate authorities must inevitably involve the officials in conflicts and disturbances, and such an outrageous interference by Federal officers with the performance of their duties by the officials of the States will not be tolerated by a people who are devoted to the Constitution of the United States and who rely upon that Constitution for the preservation of their liberties; and the plea of party necessity will not prevail against their indignation.

What right, sir, has a Federal officer to be present at the counting of the ballots cast for the candidates for any local officer within a State? What right has he to examine, supervise, scrutinize, or inspect anything pertaining to that count? What right has he to take charge of or count any ballots found in the box used or intended exclusively for the receipt of ballots cast for local candidates? What right has he to interfere with the registration of voters who register to vote for local officers exclusively?

Sir, it does not require a great constitutional lawyer to answer these questions. He has no right, and his efforts to go beyond the warrant of the Constitution will be simply an outrage upon the rights of the people, an outrage which it is to be hoped will be met only by such resistance as the universal judgment of civilization will approve. A free people can not be expected to submit tamely to everything that party necessity may seem to require, but the American people can and will avoid becoming so exasperated as to resort to violence to resent an outrageous interference with their rights.

ELECTIONS HELD BY SUPERVISORS AND CERTIFIED BY LOCAL OFFICERS.

The bill provides that in case no polls are open at a polling place within one hour after the time fixed by law the supervisors shall open the polls and conduct the Congressional elections, making their returns to the local officers, who shall thereupon proceed as they would have been required to proceed had the election been conducted by the officers provided by local law, notwithstanding any provisions of such local law to the contrary. If the General Government may go into a State and direct the local officers in the performance of their duties, what, if any, limit is there to Federal authority? Why can the Federal Government not impose such duties upon these local officers as to destroy their usefulness to the State? Whence comes the authority of the Federal Government to compel a State officer to certify, under his oath of office, the correctness of any act of Federal officials who are entirely unknown to the jurisdiction to which he owes his official existence and who have usurped the powers of officers created by the laws of the State?

The power to make or alter the regulations prescribed by the States concerning the time, place, and manner of holding elections for Congress can hardly be invoked to cover up the load of duties that Congress might impose upon the officers of the States, with their consequent subjection to the jurisdiction of the Federal courts. If Congress can compel local officers to count and certify returns of Federal supervisors of elections under the provisions of State law, it can increase the duties of those local officers as to such returns; it can impose any duties pertaining to elections upon any officers of the State that it may choose to select for such service, impose upon them such duties as party necessity may suggest, enforce its regulations by mandamus and proceedings in contempt or otherwise, and thus utterly destroy the machinery of State government.

Mr. Speaker, it is not too much to say that the spirit of compromise in which the Constitution was framed and adopted did not contemplate the vesting in the General Government of the right to destroy the States. The attempt to control State officers in the discharge of their duties is a dangerous and threatening incursion into the domain of local self-government that no thirst for power can justify and no hypocritical pretense of a desire for a free ballot and a fair count can excuse.

DEPUTY MARSHALS INVADING THE HOME OF THE CITIZEN.

The framers of this bill are not, however, content to stop at a usurpation of the authority of the community, but extend their interference with the rights of the people to the individuals composing the community by providing for a house-to-house canvass, sending the supervisors and deputy marshals to force an entrance, if need be, into the houses of the people "to verify by proper inquiry and examination at the respective places of residence" of voters, the correctness of the registration books, and to make "a thorough and effective house-to-house canvass" of election districts to ascertain the qualifications of male voters residing there. The only commendable feature of this whole provision lies in the exemption, by the insertion of the word "male," of the female suffragists in Wyoming and elsewhere from the inquisitorial impudence of these eminently respectable Republican Federal office-holders in their endeavors to divide the floaters into blocks of five, with a trusted man with necessary funds in charge of each five, responsible that none get away, and that all vote the Republican ticket.

The legal maxim that a man's house is his castle, honored by the Anglo-Saxon race throughout time whereof the memory of man runneth not to the contrary, is to be eliminated from our system of law and in its place is to be substituted the provision that whenever it is suspected that the Republican party can purchase, intimidate, or otherwise influence a voter to its advantage then a supervisor and deputy marshal may go with all the power of the General Government at their backs. If this condition of affairs is permitted long to exist in this country, with men of the character of those who too frequently fill the positions of supervisors and deputy marshals to avail themselves of the opportunities thus open to them, the spirit of liberty is more patient and long-suffering than the history of our race will warrant us in believing it to be.

PROBABLE EFFECT ON STATE LAWS.

This bill proposes to repeal all laws and parts of laws enacted by any local authority that are inconsistent with its provisions, while leaving intact all that may then remain of any State's system of election laws, without regard to whether the parts that are left in force are consistent with each other or not. Nothing but experience can prove the effect of this heedless legislation. It may result in leaving among the statutes of the States parts of laws that will prove burdensome and useless if not offensive. It can not be said with certainty that the provisions of this bill will fit into these various systems as proper substitutes for the parts that it repeals so as to leave a harmonious and symmetrical whole. It is a thrust in the dark, an attempt to alter the regulations prescribed by the States without an intelligent inquiry into the status of the laws as they now exist. Of all the inconsiderate legislation of which this Congress has been and threatens to be guilty, this stands pre-eminent as a reckless and desperate measure to maintain a minority in power in the Government. Its purpose is to afford opportunity to fraud and to subject the elections, even in those cases in which the officers honestly endeavor to discharge their duties, to suspicion and uncertainty. The imperfect provisions for the administration of the act, the uncertain effect upon the laws of the States, the complicated and confused machinery of elections, the returns of defective ballots and of ballots deposited in the wrong boxes, together with the almost absolute control of the elections by Federal officials, all conspire to cast doubt

upon the result and to give to a small majority appearing upon the rolls of the House at the beginning of a Congress some pretext to annul the action of the people and to defeat their choice; and we know from the experience of this session how slight a pretext will suffice to still the conscience of a small majority standing face to face with the defeat of its cherished schemes.

BALLOT-REFORM LEGISLATION BY THE STATES.

But, sir, of all times in our history the Republican party has chosen that which is most inappropriate to the enactment of a law that is intended to interfere with local control of elections. The last Presidential election, with its fat fryings, its blocks of five, its pay envelopes, its special committees to raise funds to be disbursed indirectly under the supervision of prospective Cabinet officers, and its multifarious methods of doubtful propriety aroused the people to a sense of the dangers that beset the elective franchise, and throughout the country the agitation for a reformed ballot has gone on until in many States the reformed ballot has been adopted and there is an encouraging prospect of its adoption in others. It is best to leave this subject to be dealt with by the public conscience in the several States. The system already enacted in some of the States is expensive to the people, it being estimated that the expense of the administration of the law newly enacted in New York, for a single election, will amount to $1,000,000 for ballots alone. The people who will subject themselves to this burdensome system in the interest of a fair ballot can as safely be relied upon to conduct fair elections as can a lot of irresponsible Federal officials who will reasonably expect their reward to bear a true proportion to their party services; and the addition to this burden of the expensive administration of this measure, with its pay of supervisors, deputy marshals, boards of canvassers, clerks, office hire, stationery, the routine business of the courts, the prosecutions for alleged offenses, and the hundreds of incidentals that will arise, is hardly to be compensated for by the possible ascendency of the Republican party, and can not be properly characterized in parliamentary language.

The purpose of the reform laws in the States is to prevent bribery and intimidation at the polls by throwing around the voter all the safeguards that the State can control. The provision for voting booths and all the other provisions for a secret ballot are aimed at this evil and have been found to operate successfully. But this bill proposes to render nugatory all such provisions by the presence, supervision, and control of the Federal officials and by the bribery away from the polls of the voters in the districts by their appointment as supervisors and deputy marshals with greater compensation than the most of them would receive at their ordinary avocations, when they happen to have any avocation other than that of political strikers and election manipulators, which has not been very frequently the case heretofore.

BRIBERY OF DEPUTY MARSHALS AND ITS COST.

Supervisors are to receive pay at the rate of from $3 to $5 per day, except for election days, when they are to receive from $5 to $10, according to the population of, and whether or not there is a system of registration in, their districts, for from three to twelve days. Deputy marshals are allowed $5 per day for not exceeding eight days, and their number "shall be determined from time to time at conferences between the marshal and chief supervisor of elections." Thus the theater of action for the bribers is to be transferred from the polls to the conference chamber of the marshal and the autocrat of elections, where it will be determined how many bribe-takers it will be necessary to employ in order to obtain satisfactory results at the election. Sir, we are preparing to write the most shameful chapter in our political history, a chapter of bribery, corruption, and malfeasance in office, accompanied by the most flagrant outrages on the franchise and to the absolute demoralization of our people. The pecuniary cost of the law for a single year is a matter more of conjecture than calculation.

There is no means of telling even how many officers are to be appointed, how many deputy marshals are to be bribed to use their official positions to promote, by intimidation and the other methods with which they are so familiar, the interests of the Republican party. There are in the United States, in round numbers, 65,000 election districts, and it is safe to estimate that they will average at the very least $100 apiece for each election, making the total cost of officers appointed to defeat the popular will $6,500,000 for a single election. In the State of New York alone there are 3,566 districts, costing for such officers $356,600, which, added to the cost of administration of the State law, even if this act does not make its administration more expensive than it would otherwise be, will make the total cost in that State $1,356,000, not counting the cost for marshals, which may make it double or treble that sum; and it must be borne in mind that this great expense is, so far as the measure under consideration is concerned, exclusive of all outlays for matters other than the employment of officers appointed by the Republican administration to do the Republican party's "own registering, its own counting, and its own certification" in the interest of a free ballot and a fair count. The Republican party has become quite an expensive luxury and the people are rapidly educating themselves to do without it. The further along the educational process goes, the easier they will find it to dispense with the party.

WILL DEFEAT THE PURPOSE OF THE NEW YORK LAW.

Mr. Speaker, the last sentence of the seventeenth section of the new election law in New York reads:

There shall be but one ballot-box at each polling place for receiving all ballots cast for candidates for office.

The pending bill subjects the box in which the ballots for the Congressional candidates are to be deposited to the supervision, scrutiny, and substantially to the control of the Federal autocrats of elections, and in its thirty-fourth section provides very minutely for the position of the box and the time it shall remain in such position, and at the end of that section employs this language:

Nor shall it [the ballot-box] be removed from the room or from the place therein, which, under this act, it shall during the hours provided for the reception of ballots have occupied, at any time during the day or night of election until all ballots cast for a Representative or Delegate in Congress, in whatever box they may have been placed or found, shall have been fully ascertained, tallied, counted, and canvassed, and the statements and certificates therefor have been made out, signed, and sealed as provided herein.

Now, whatever may be the State law concerning the counting of the ballots cast for State officers, it must give way to the provisions of this act, and, the ballots all being on one slip or piece of paper, the vote for State officers must pass through the hands of the Federal officers before those whose duty it is to canvass and return it shall obtain possession of either the box or the ballots, even if they are permitted to obtain possession of them at all.

Just what effect all this will have on the legality of State elections is one of the things that experience alone can clear up, and experience is always a dear teacher; but to say that this provision for the handling of State and local ballots by a lot of Republican political strikers is dangerous in the extreme, is to indulge in the mildest expression that is in any degree appropriate to the situation.

But, to cap the climax, this bill provides in its tenth section that—

No certificate, statement, or return of the final result of the count and canvass of the votes cast for a Representative or Delegate in Congress shall be written upon, filled up, or signed by any officer, national, State, Territorial, or local, or by any person whomsoever until the final count of all ballots cast for every other officer than that of Representative or Delegate in Congress shall have been wholly completed by all persons authorized by law to count the same, and the certificates, statements, and returns of the result thereof shall have been wholly made out and completed.

Therefore, even if there were no other provisions requiring the presence at and participation of the Federal officers in the count for State and local officers, it will be necessary for the State officials to discharge all the duties required of them by State law in the presence of and under the scrutiny and supervision of the Federal election officers where the box is, in the place where it was during the hours of election, and then wait for the Federal officers to complete their statements, certificates, and returns before taking control of the box and the ballots, notwithstanding any requirements of State law that the officers shall perform their acts elsewhere and in another manner. In addition, there are provisions requiring the Federal officers to take possession, seal up, and carry away certain ballots, notwithstanding any provision of State law requiring their preservation for State purposes.

In some States no legal election for any office other than for Congress can be held under these provisions, and even the election to that office will be shrouded in doubt. Yet there are other provisions in this bill that are equally bad and that will further interfere with local elections, but my time is too limited for me to point them out.

Mr. Speaker, if this measure passes in its present form or in any form in which its friends will support it, it will, if sustained by the courts, revolutionize the Government and set up on the ruins of our free institutions a government by fear, force, and fraud. It means the inauguration of the state of affairs throughout the whole country that ruled for several years in a single section, with the substitution for the bayonet of the soldier of the club of the deputy marshal. Its immediate effect will be most harmful to the whole country, but the ultimate result will be that the people will drive from power in the Government the party that sought to profit by it before it can pull the whole temple down on their heads. [Prolonged applause on the Democratic side.]

The SPEAKER *pro tempore* (during the delivery of the foregoing remarks of Mr. FLOWER) said: The hour allotted to that side of the House has expired.

Mr. HOLMAN. I trust the time of the gentleman from New York may be extended, the additional time to be taken from this side of the House.

The SPEAKER *pro tempore*. For what time is the extension asked?

Mr. FLOWER. I ask for ten minutes.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none.

Mr. FLOWER resumed and concluded his remarks as above given.

Mr. SMYSER. Mr. Speaker, it was my purpose to occupy my seat during this discussion and to say nothing on the measure now under consideration, and I assure the House I shall not take its time to any great extent.

Mr. Speaker, I shall not endeavor to make here and now a defense of the famous Electoral Commission of 1877 and its results. I would only beg of my friend of New York [Mr. COVERT] that he add by way of appendix to his remarks a few things in connection with that famous commission which seem to have escaped his attention. I suggest that

in connection with his review of the frauds in Louisiana, Florida, and South Carolina he print in parallel columns an account of the attempts to steal the electoral vote of the State of Oregon. I suggest, further, that he print in parallel columns the order that came from South Carolina to Gramercy Park in New York to "saddle Blackstone at once;" and, further, the haggling about the price of Presidential electors in that State. Further (because it seems to me to make the argument of the gentleman complete), he ought to print as part of his speech the cipher telegrams that were unearthed after the result of that famous Electoral Commission was made known.

Mr. Speaker, the question that we ought to ask ourselves with reference to the bill under consideration is, is there any necessity for such legislation? If so, why? What is there in the condition of affairs that makes it necessary that we enter upon the consideration of the bill now before the House? I think, Mr. Speaker, that, so far as this side of the House is concerned and even so far as the other side of the House is concerned, it is agreed upon all hands that there is a condition of affairs that does call for the exercise of some power to correct the abuses and the wrongs against the honest voter throughout the land.

We feel on this side that there is a necessity for such legislation beyond cavil or controversy; and I do feel that no man who has been an observer of public events for the last fifteen years can be blind to the fact that there is a necessity for legislation somewhere to restrain and repress the wrongs and outrages that are committed against the ballot-box. So believing, your committee has seen proper to perfect and present to the House for its action the bill now under consideration.

What is this bill? What is the machinery provided for in the bill by which the object sought to be obtained may be accomplished?

We provide, Mr. Speaker, for the appointment of certain officers by the judiciary. I heartily indorse that feature of the bill, because if there is any one branch of the Government in which the people still have unlimited, unbounded confidence, it is the judiciary of the United States. The courts are vested with the power to make the appointment of these officers who are not to take charge, but to supervise, guard, scrutinize, and in only one contingency to make any certification whatever to this House of the results in their respective districts.

Who are the supervisors? From what has been said on the other side we would suspect that they are to be a pack of hoodlums, of hired heelers, of hangers-on, as my friend from South Carolina [Mr. HEMPHILL] terms them, who are to be rewarded for political service by appointment to these places. Why, sir, let me remind gentlemen that the bill itself provides the character of the men who are to be selected as supervisors. First, they must be persons of good character; they must be able to read and write the English language. They do not come from one political party only. They must be residents of the district in which they are called upon to exercise the functions of their office.

Now, if there is any necessity for legislation at all on this subject, if it is proper for this House to consider such a measure, I would ask what more carefully guarded body of men could be selected than is proposed in the bill now under consideration? We want men of good character; we want men who reside in the district; we want men who are able to read and write. Now, that is exactly what this bill proposes. And nowhere do these men take charge of the elections except in cases where it is conceded on all hands the elections are not free and fair—where the voter is kept from the ballot-box—where, if he is permitted to cast his ballot, that ballot is changed and another substituted. So the measure, I say, Mr. Speaker, is eminently wise, proper, and conservative.

Let me remind gentlemen that we are entering upon no new ground in the proposed legislation. It is no new experiment that we are trying. The experiment has been tried for nearly twenty years in New York; it has been tried for many years in Ohio; and although the distinguished gentleman [Mr. FLOWER] who preceded me may have been correct in saying that when the Legislature of New York provided a proper system of election laws the people there had honest elections, there is a strong suspicion that John Davenport and the United States law had something to do with honest elections so far as they have been had in the city of New York.

Take the case in my own State of Ohio. In the Forty-fifth Congress there were two members in this House who took their seats upon the other side who were no more entitled to seats as members of the House than I was, the only difference being that they were candidates at the polls and I was not a candidate. In 1878, when the election was held for Representatives in the Forty-sixth Congress, the people in the city of Cincinnati invoked the aid of the existing law, and the consequence was that there were returned to this House and seated here two members on this side, one of whom has continued to be returned year after year; I refer to my distinguished colleague, Hon. BENJAMIN BUTTERWORTH.

And when I say that the people invoked the aid of the existing law, let me ask gentlemen to remember that it is nowhere controverted in Ohio, it is nowhere controverted in the city of Cincinnati, that in the election of 1876 there was gross outrage and fraud, and that was proven, Mr. Speaker, by the indictment, the conviction, and the sentencing to the penitentiary of the ringleaders in that fraud.

Now, I say we are entering upon no new experiment. The existing law which has been enforced for some time has worked admirably and well. It has given satisfaction. It has deprived no man of his right to vote. It has protected all in their rights. Gentlemen can not go into the State of Ohio, they can not go into the county of Hamilton and find a solitary man to raise his voice and insinuate that, by reason of the fact that the Federal authority had been invoked in the election of 1878 and at elections subsequent thereto, any man who had a right to vote was deprived of the free exercise of that right. Now, we propose to extend simply the provisions of the existing law.

Why, gentlemen say this is sectional. Not so. That charge, or comment rather, Mr. Speaker, might well have been made against the existing law, because the existing law had its origin by reason of the frauds that had been committed in the State of New York. It was intended to be and was made applicable to the cities, but since that day, since twenty years have gone by, we find that frauds are committed elsewhere. We find that condition to exist in different sections.

Ay, Mr. Speaker, so far as I am concerned, you may say it is "sectional;" but I am here to say that my belief is and my people believe that now, after the years have passed, there exists in the State of South Carolina, in the State of Mississippi, in the State of Louisiana, and in other States a condition of affairs by which the honest voter has been deprived of his right to cast his vote and have that vote counted; and, as their representative here, I believe in extending over these sections the provisions of the existing law that has proved of such inestimable value to the people of New York and the people of Cincinnati and elsewhere.

What are some of the objections to the pending bill? The gentleman from Virginia [Mr. TUCKER] has complained of the great cost. The gentleman from South Carolina [Mr. HEMPHILL], who opened the discussion on the other side, says that it means five hundred thousand or a million of marshals at the polls. The gentleman did not do himself justice in that statement; he did not do himself credit. The bill contemplates nothing of the kind. The bill does not propose to establish a marshal of the United States or an inspector at every voting precinct in the United States.

We have got no use for them in the district which I have the honor to represent. We have no use for them in nineteen of the districts of the State of Ohio. We have use for them in the First and Second districts of that State. But it is not contemplated by the law that everywhere there shall be inspectors and supervisors of the elections, because their presence is not necessary. It is only intended that where necessary, where the belief is that necessity exists, where the fifty or one hundred people believe, and by their petitions say, that a fair registration and a fair election can not, in their judgment, be had, there they shall have the right to invoke the provisions of the law, and it will only be invoked in such places where there is this danger that the election will not be fair and will not be free.

And, as I said, the gentleman from South Carolina does himself no credit to say that it means a million of marshals scattered around at the various voting precincts in the United States. That is not the purport of the bill; that is not its design or object; that is not its intention. No man on this side of the House ever for a moment entertained the idea that we are to plant at every voting place in the United States a marshal or a half dozen marshals and a half dozen supervisors of election.

So, Mr. Speaker, in that respect let me say the measure is conservative in its character. It takes a middle ground. For myself I believe in the National Government taking charge and control of national elections. I believe it to be the only way, or rather the better and the safer way, and the surer method of securing honest and fair elections and honest returns. But the judgment of the committee was otherwise, and in deference to that conservative spirit this bill is brought forth. It is not any radical measure, but it is a conservative one. Why, the very argument was then suggested that is now suggested: that there is no necessity for the application of this law in many districts in the United States. So the bill was drawn in the manner in which it is now presented, only to be invoked upon the petition of the residents of a district and when they have reason to believe that their registration and election will not be fair.

Then, and then only, and there and in such districts only, will the law as proposed be invoked. So that gentlemen on the other side are mistaken when they talk of the number of men to be planted around the polls.

Something has been said about the cost. God knows, Mr. Speaker, it is going to cost something. But it occurs to me that it is well worth the expenditure that a citizen, a man endowed with the rights of citizenship, a voter, should have the right to cast his vote and have that vote counted just as it was cast.

We are ready, if the rights of an American citizen are infringed by a foreign Government, with 60,000,000 people, with all of our treasury, to repair the wrong done to him. And yet, when people by the score are outraged at home, gentlemen say to us, "It is going to cost something." True, it will cost something; but, sir, if it is worth protecting the voter in his right to vote, it is worth the expenditure of all the treasure necessary to accomplish that result. [Applause on the Republican side.]

There is another thing to which I wish also to call your attention. I do not know whether it was in a moment of excitement or whether the gentleman from South Carolina understood the full meaning and import of his words when he said, in commenting upon that section which provides that the supervisors shall retain their offices for two months after the election. He used this language:

That the object of that provision of the law is to allow the officer who has robbed the people of their honest vote to escape punishment by flight.

Do you mean what you said? Do you mean what the language implies? Does the gentleman suppose that members on this side who come here under their oaths, having a regard for the responsibilities resting upon them, are actuated by no higher motives than to present to the members upon the floor of the House a measure which, if enacted into law, and by virtue of the provisions of which, shall furnish the machinery to shelter the rascal, the man who is robbing the people of their votes?

That is what the language means as used by the gentleman. Let me remind him that gentlemen on this side are actuated by as lofty motives, as noble purposes, as gentlemen on the other side, and he must pardon me if I say that we have a little more confidence in ourselves than we have in some on that side. [Laughter on the Republican side.]

Mr. Speaker, this remark undoubtedly escaped the gentleman in the heat of debate. We on this side are not a set of knaves. We are endeavoring to do our duty; we are endeavoring to respond to that sentiment which in 1888 resulted in transferring the power from that side of the Chamber to this. All over the North, yes, and in many parts of the South, this was one of the issues made.

Why, when we are told that the people of the North care nothing about this measure, let me remind the gentleman that in my own district, in my campaign in 1888, in discussing the tariff some intelligent men would say, "We are not with you on the subject of the tariff, we do not believe in the tariff doctrines as preached by you, but we stand by you and your party on another question that is of paramount importance. We stand with you in saying that every man, in any section of the country, black or white, rich or poor, ought to have the right to cast one ballot and have that ballot counted honestly and fairly, and for such legislation we propose to stand by you in your candidacy." It is one of the issues. Our people regard it as of more importance than anything else.

Now, Mr. Speaker, it is said "all we ask in the South is to be let alone." That has been tried for fifteen years past. They have been let alone and let severely alone. They say they seek to work out their own salvation. You have had fifteen years of trial. I do not know whether you are any nearer the kingdom now than you were when you started. We do not object to your continuing to work out your salvation, but what we do object to is that you shall seek to work out our salvation on the same line.

Mr. MCKINLEY. They have not reached the repentant period yet.

Mr. SMYSER. As suggested by my colleague from Ohio [Mr. MCKINLEY] the repentant period is not yet reached. When reached, we will see whether or not the South is to be permitted to go on uninterruptedly as she has for the fifteen years gone by.

Mr. BAYNE. What more does a band of counterfeiters want than to be let alone?

Mr. SMYSER. As suggested by my friend here, what more does a band of counterfeiters want than to be let alone? I never yet have known a counterfeiter, or a man committing a crime of any kind whatever, but who said always to the grand jury and to the petit jury and to the court, "Please let me alone." It is universally the case.

Now, Mr. Speaker, will the bill under consideration accomplish the objects and purposes for which it is intended? A good deal depends upon the spirit and temper with which the measure is received if enacted into a law. If the people catch the spirit from the distinguished gentleman from New York [Mr. SPINOLA] or the distinguished gentleman from South Carolina [Mr. HEMPHILL] I apprehend and fear that the measure will not possibly accomplish the results intended. Why, let me read what the distinguished gentleman from New York [Mr. SPINOLA] said on day before yesterday, when we were discussing the rule to consider the measure now pending before the House. He said:

I only want to tell you what we will do in New York, as we did in years gone by: That we will send your hirelings away from the ballot-box and not permit them to go there and control our affairs by any authority you can establish, military authority or otherwise; just as twenty years ago, when you sent them there, they were compelled to withdraw.

And as the distinguished gentleman from South Carolina [Mr. HEMPHILL] says:

The negro can not have his rights and mine, too.

No, not his rights and yours, too; but you want your rights and the negro's too; and, by the Eternal, you shall not have them as long as there is a Republican majority in this House. [Applause on the Republican side.] We purpose to accord to every man entitled to vote the right to exercise that right and have that vote registered as cast and returned accordingly. What they mean on the other side when they ask to be let alone is to accord to the negro, as they say, no right, but to take the negro's right and appropriate that right to themselves; and against that, Mr. Speaker, I most earnestly protest. [Applause on the Republican side.]

Now, as I said when I started out, Mr. Speaker, that I would not detain the House, I will not do so. Our friends on the other side seem to think that in urging this measure for consideration, in arguing it, in presenting it to the House, in asking for its enactment into law we are actuated by some malevolent feeling, some feeling of hatred or of ill-will towards the South. Why, it is not so. Let me remind you on that side that whenever the South is devastated by flood or fire or pestilence, on every occasion with generous heart and open hand the North responds to the cry of your suffering.

When the great Father of Waters burst his banks and spread devastation among the people of the Mississippi Valley, who responded more generously than the people of the North? When the pestilence struck Florida, who responded more generously to the appeal of the people of her stricken city than the people of the North? In our midst your fleeing and your flying found homes and shelter. When God in his providence saw fit to disturb the elements, and the earth upon which stood the city of Charleston rocked until her buildings crumbled and fell, and the Chief Executive of the United States stood powerless, shackled and fettered by technicalities and legal obstacles, so that he was unable to render any help, who was it but the governor of the State of Ohio, a Northern State, that within twenty-four hours had the tents and blankets of Ohio upon the ground to shelter and comfort the homeless and shelterless people of the city of Charleston?

We love the people of the South. We have been contributing year by year of our population and of our capital to build up your waste places, to develop your resources, to start and keep you on the road to progress, that you have already entered. No! no! It is not that we have any hatred or ill-will for the South that we urge the passage of this measure; but it is because we have been led to believe, we have been educated to believe—we fought for the doctrine, we fight for it to-day; we have agitated, we will continue to agitate the doctrine—that every male citizen of the United States has a right to cast his one ballot fairly and freely and have that counted and have a certification of it honestly and fairly made; and because there is a well grounded suspicion in our minds, which has come to be a conviction, that such is not the case at this time, we are urging the passage of this measure.

We believe that it is wise and proper; we hope that it will accomplish the result intended. We seek to deprive no man of his right, and, if that be true, I can not understand why gentlemen on the other side declaim against the enactment of this bill into law. [Applause on the Republican side.]

Mr. VAUX. Mr. Speaker, it is recorded in an authority that probably will be recognized all over this House that when a certain man found himself in a very uncomfortable place he asked that somebody might be sent to warn his five brothers lest they should come to so unhappy a condition as he was in. He was informed that those five brothers had Moses and the Prophets, and, if they would not believe them, even if one rose from the dead it would be of no avail.

I am just in the position now of calling to mind a question for consideration by this House on a subject that seems to have been, I am sorry to think, almost entirely forgotten of these late years by our Republican friends. Though one rose from the dead he could not revive their faith in the Constitution. The Constitution of the United States, I believe, is to be found in the Patent Office or some other place [laughter], and those who want to understand what it means must go to a glass case to look at a somewhat pale parchment; and having tried to ascertain what it is, for a moment, having made an inspection, they turn away saying, "Oh, the Constitution; that is a forgotten subject." And yet, Mr. Speaker, this House to-day is asked to legislate by enacting a bill which strikes out the very life of that Constitution. Whatever it has of life, enough of it is left yet to assert the proposition which I desire now to call to the attention of gentlemen on this floor.

I assert that this bill, as I have read it and as I have heard it discussed on this floor by my esteemed friends on the other side of this House, is virtually an overturning of the Constitution of the United States and destroying our form of government. [Applause on the Democratic side.] That is the proposition I desire to present to this House, not by way of a superficial or momentary consideration of this question, but because I am solemnly impressed that the duty that belongs to every man who believes in this Constitution and in the Government founded upon it should now seek to save both from destruction, especially now when so few people, and especially the young men of the country, have any opportunity to be taught what are the principles and provisions of this Constitution.

I do not intend to occupy more than twenty-five minutes of the time of this House, and that has been kindly yielded to me by my friend from New Jersey [Mr. MCADOO].

This act proposes to change the Federal Constitution. Now, Mr. Speaker, pray show me anywhere any authority in this Congress or any other, by an act to change the Federal Constitution. No such power was ever delegated to any Congress. The mode of changing the Constitution is provided in the instrument itself. No provision is given to Congress by an act, the power or authority to change or alter it. If this bill is enacted into law it is an usurpation pure and simple; an usurpation of the rights of the States absolutely and positively. There is no intermediate ground upon which the friends of

the bill and those against it can stand. It is an usurpation of the rights of the States. Section 2 of Article I provides that—

The House of Representatives—

That is this body—

shall be composed—

Of what and of whom composed?—

of members chosen every second year—

By marshals and supervisors and prostituted partisan Federal courts or paid agents of the Federal Government? No. That is the bill. [Applause.]

chosen by the people of the United States.

And the electors are the people who choose. They have certain qualifications. The people who elect members of Congress are thus described:

Shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Therefore those who choose the electors, who elect members of Congress, in whom the power is vested with this qualification, are those people who are designated by the Constitution as a class. They are the men who have the same qualifications as those who elect the Legislatures of the States. Now, these elections must be conducted by State law. The primary proposition of the article gives to the States the power first to make the laws to regulate the elections and then the power to say who shall be those electors. Therefore, all the proceedings of the election must be under State authority, nowhere else. The friends of this bill can not direct us to any construction which takes away that eternal principle so long as this Government lasts. This act relies for power to enact and enforce it on the fourth article of the first section of Article I of the Constitution.

Now, Mr. Speaker, I have shown three propositions: First, who are the electors; second, what constitutes their quality; and, third, that the people of the States are these electors and shall elect members of Congress, and no other persons. I do not suppose any gentleman will deny these primary propositions. But with reference to the article of the Constitution upon which this act purports to be based, I desire to call the attention of those gentlemen who take enough interest in the subject to listen to the singular wording of this article, which, so far as I have heard, has not been touched upon by any of the distinguished gentlemen who have discussed this bill. This article provides for what? First, the times; second, the places; and, third, the "manner of holding" elections.

Now, there are three things which this article sets out—the time, the places, and the manner; and if this bill goes beyond that limit it is unconstitutional and vicious. The time, the places, and the manner of what? Holding elections. Elections for whom? For Senators and Representatives. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof. The Legislatures of the States are to prescribe the time, places, and manner—not the election, but the manner of holding—a primary condition before the election begins. The election itself is another thing. This applies to the manner of holding the election. But the Congress may do something. Now, what has Congress the right to do under this proviso on which this bill rests? "But the Congress may at any time by law make or alter"—make or alter what? "Such regulations." What regulations? Such regulations as to the time, place, and manner of holding the elections, and beyond that Congress is as powerless as the vane on the top of a steeple. Congress can not go beyond those three regulations as to the times, places, and manner of holding elections, but there is a condition, except as to the places of choosing Senators.

Now, Mr. Speaker, as to the time of holding elections I suppose there is no doubt. As to the place of holding elections there is no question. Therefore those two subjects are eliminated from the consideration of this bill, and we come now to the manner.

If manner is the usual and accustomed mode, Congress may make or alter the form of this mode, provided it does not establish by law any form which is not elemental in the usual and accorded mode. Congress may properly alter *viva voce* to ballot or ballot to *viva voce*, for that is altering one form for another or making one of those forms the manner of holding the election.

When the Constitution declares the power to legislate, to carry out the power delegated, the power must be explicit and perfect in itself, as well as the auxiliary power to execute it.

The doctrine of implied powers is not recognized in the Constitution. This was a scheme to add to the power granted, not within the intendment of the grant.

That word "manner" is a very pregnant word in this article of the Constitution, and I desire to be informed where there is any constitutional interpretation of it to be found. You can not judge of it in its constitutional application by the definition of the lexicographer. You can not judge of it in its application here by any scientific definition or interpretation. It is not a philological problem. You must take it in the accustomed sense. You must take it as the word "manner" has always been understood from time immemorial—the manner of holding an election. Now the manner of holding—I do not think the word "holding" has very much to do with it, but "manner" is the crucial test of the interpretation of both words—the "manner" of holding involves what is habitual and accustomed, the habitual and accustomed manner or mode. If it is outside of that, then it is not the manner; and if it is not the manner then Congress has no control over it.

Now, how did this word "manner" come to be applied to the question of holding elections? There are three modes of voting or electing which can be comprised under the term "manner" as used in this provision of the Constitution. There can be a vote by ballot; that is one manner of holding an election. There can be a vote *viva voce;* that is another manner. There can be a vote by show of hands; that is a third manner. These three "manners" have been a part of the system of holding elections in this country ever since it was a country. In the State from which the author of the majority report on this bill comes, Massachusetts, the town court legislated in early days and voted. Even in Russia, that most abused country according to some of the modern patent philanthropists who go around meddling with everybody's business but their own and finding fault with everybody because they are so vulnerable themselves [laughter]—even in Russia, in a large part of the territory of that empire, the people assemble in public meetings and legislate and vote for their own interests so far as their different localities are concerned.

Now, Mr. Speaker, I hold that the word "manner," as used in this provision of the Constitution, applies to one of these three modes or manners of holding an election. We hear a good deal now about the Australian system, which, they say, is becoming very popular. I hope so. I do not know what it is, but I hope it will be adopted so as to save the consciences of the majority of this committee. But this Australian system is a "manner" of holding an election, just as the show of hands is a manner, or as the vote by ballot is a manner, or as the *viva voce* vote is a manner; and it is in this sense that this article of the Constitution refers to the "manner" of holding elections. Congress has the right to determine the manner, and nothing beyond this. Possibly a condition of things might arise in a State—I deny it, but possibly you could find some four or five gentlemen in black who sit here somewhere in the District of Columbia and give out admirable stump speeches on the Constitution and call them "decisions" of their court—possibly, I say, you could get an opinion from them that the power of Congress can go beyond this. But, Mr. Speaker, I am not one of those who believe that iconoclasm is a vice. [Laughter].

As able a jurist as there is anywhere in this country has passed upon the meaning of this word "manner." In a decision of the supreme court in my own State of Pennsylvania the chief-justice of that court, in deciding a question in which this word "manner" was involved, made use of this language:

The manner can not exceed the subject it qualifies or belongs to.

Now, if the manner can not be anything further than the mere formal expression of one or more of these "accustomed modes" of holding elections, then this bill as proposed here is utterly unconstitutional.

Having now determined, as I think conclusively that the "manner" has nothing to do with the election, I propose for a moment to call attention to what follows the "manner." After the "manner" has been determined—and it is by ballot—then comes the election. Now, do my learned friends on the other side of the House undertake to tell me that under this interpretation of that word "manner" they can by a Federal law go into every district of the United States, and that under the power which they claim is granted in that word "manner" Federal officers can assume to be, not the officers of the election, but the electors? Because if this bill means anything it means that the Federal officers who are to be sent into the various districts are to be electors. If it is claimed that through the power implied in this word "manner" we here can go into the subject and can send the Federal officers to these election districts to do what this bill proposes they shall do, then they become electors, and what becomes of that provision of the Constitution I have just read providing that the electors and their qualifications shall be such as the State prescribes?

The Constitution vests in the people the power to choose; and that power to choose is no emanation from the word "manner." It is the subject; and over this subject Congress has no control. This bill is unconstitutional the moment that it attempts to touch the subject. The moment that Congress undertakes to touch the election itself, it goes beyond the power conferred by the Constitution.

Now, how are we further to get at the interpretation of the word "manner"? Because I hold, according to my limited capacity to judge of this question, that the turning point as to the constitutionality or unconstitutionality of this act rests solely on the word "manner." There is nothing else anywhere in the Constitution by which such legislation as this can be justified, much less successfully defended. The power of Congress in this matter must rest on the word "manner." Have we no process by which we can find a constitutional or a legal interpretation of this word "manner" as used in this section of the Constitution? I assert—and I think it is beyond controversy—that the construction of this provision of the Constitution can not be affected by implication. You can not by interpretation inject into this word "manner" any power which will give Congress the right to legislate over the subject.

We know that implication is always against a granted power, so

in this instance implication is against the limitless interpretation of this constitutional language. The implication is for a strict construction, and when we have a question like this, resting upon such terms as these words, "Manner of holding," you can not for a moment by interpretation change the meaning of that language so as to cover the holding of the election itself. It is against all common sense. It is against the consensus of opinion on historical teaching on this subject for six hundred years. It is against the opinion of men who have studied this question and performed their duties under the interpretation of this word "manner," this opinion having constantly been that the word belongs exclusively outside the subject and has nothing whatever to do with the subject itself.

Now, this section gives no power to hold an election. It refers only to the manner of holding; and when the "manner" is disposed of the whole subject is disposed of. The election, when you come to that, belongs to the people of the State. Therefore, after determining the "manner" of holding, the power of Congress ceases. After that the choosing begins; and the voters only can by State authority carry on this choosing. The manner has been disposed of; it is by ballot; then the provision of the Constitution with reference to "manner" is at an end. How comes the subject? The subject is the choosing of members of this House; and that choosing devolves on the people—nowhere else.

Now the "manner" to which I have called your attention—this "accustomed mode"—has been understood and adopted since when? Understood and adopted since the statute of Carlyle, which was enacted about six hundred years ago. What was that statute of Carlyle. I will in a moment give you a synopsis of it. It will be found in the books that treat of this very subject that we are discussing—legislation over manner and subject. "What shall be a good act of Parliament in respect of manner?" Then we find described what shall be an act of Parliament as to the manner. It is required that the lords, commons, and bishops shall be convened to constitute a Parliament.

On the occasion in question the bishops were not present, and it was contended that the organization of Parliament was void because the "manner" had not been followed out, because the bishops had not been present, the "manner" requiring that all those parties—the lords, commons, and bishops—should be present. It was a grave subject, and I suppose occupied the attention of the great lawyers of that day. And what was decided? It is a very interesting subject to any gentleman who wants to discuss this question with some degree of thoughtfulness, without partisan feeling. It was decided that the "manner" had nothing to do with the subject; that when that Parliament met, whether the bishops were there or not, the subject of legislation was only involved, and the law in question had nothing to do with that, because it only construed the "manner." It was determined, therefore, that the act of that Parliament was good.

I quote as follows:

"(A) What shall be a good act of Parliament [in respect of the manner]?" In the statute of Carlyle, 35 Edward I, the prelates were omitted, and the statutes were made by the king, the nobles, and the commonalty. It was therefore objected that this was no act of Parliament. The law is that (1) the bishops ought to be called to a Parliament; (2) but that, if they absent themselves voluntarily, the king, nobles, and commonalty may make an act of Parliament. As the statute was held to be a good act, the bishops must have been summoned and not have attended. The manner of making an act of Parliament, therefore, requires that the bishops must be summoned, but, if they do not attend, it is good manner to proceed without them.

"(A 2) What shall be a good act of Parliament, in respect of the matter?" Statutes are void which misrecite things in referring to them, and no persons are concluded by them. An act of Parliament can not do anything out of the limits of the power of Parliament, as, for example, to make a man capable of inheriting land in France.

These are examples of acts of Parliament that are void as to matter, but not as to manner.

The manner of holding a Parliament can not, by any power, have control of the legislation by Parliament.

Neither can the manner of holding an election have any relations to the voting, which is the election.

Under our Constitution this bill is void, revolutionary, and if enacted into a law must overthrow a system of government. It is unworthy the legislators of a great country that has been spoken of all around this Hall in such glowing language as we have heard to-day.

The Constitution in every article delegating to Congress legislative function uses the phrase, "Congress shall have power." This demonstrates that the States hold the exclusive right in and by the Constitution to give to Congress the power to legislate. It demonstrates also that the power was derived from the Constitution. "Shall have power" made Congress the attorney in fact for the Constitution. It is power that is delegated, power full, complete, and defined, not power by intendment or implication.

If you can inject into the word "manner" a power claimed by our friends on the other side of the House who advocate the bill, there is no word of limitation in the language that can be used to stop their devices——

Mr. HILL. Will it interrupt the gentleman to permit a question at this point?

Mr. VAUX. Not the slightest.

Mr. HILL. I understand the gentleman states that under that provision of the Constitution to which he has been referring Congress has the power to regulate the manner of holding elections.

Mr. VAUX. Only if the States do not. In that event, yes.

Mr. HILL. And also that Congress may prescribe that the election shall be held by ballot as ordinarily used, or under the Australian system, or under a *viva voce* system. Do I understand you to say that that simply prescribes that it shall be by ballot, and that the United States Congress can not go further——

Mr. VAUX. Not a step. [Applause on the Democratic side.]

Mr. HILL. Let me complete my question. That Congress can not go farther and provide the necessary machinery?

Mr. VAUX. No, sir; no more than Congress can provide machinery for the State, as I shall show directly, to carry on its own constitutional duties.

Mr. HILL. But the gentleman says that they may adopt the "manner," that they may devise the manner of doing it.

Mr. VAUX. I say that the States have the right to determine the times, places, and manner of choosing their Representatives. Now, if the State does not do it, if the State is derelict in that duty, then another question is raised. If the State does not perform the duty, if a hiatus shall exist and any public necessity arises for the exercise of the power, then probably in that event, and in that event only, Congress can legislate only on the manner of performing the neglected duty. [Applause.]

Does not the gentleman know the fact that when George Washington was elected President of the United States New York did not vote for him at all? Why? Because the Legislature of that great State had not formulated the system of the electoral college. Why had they not done so? Because, as I read the history of those times, one branch of the legislative body belonged to the control of one party and the other branch was under the control of the opposite party, and they could not agree as to the "manner;" and because of that fact the voice of the people of New York on that subject was silent in that election.

Mr. HILL. Permit me one further question. I understand you to concede that Congress has the right to prescribe the Australian system?

Mr. VAUX. No, sir; I did not say so.

Mr. HILL. I so understood you.

Mr. VAUX. No; I merely cited the Australian system as an evidence of what might be a "manner." Under the Constitution Congress is absolutely powerless; and if my learned friend will allow me, if my argument has any bearing, if it means anything at all, if I have succeeded in making myself clear, it is to show that the power of Congress is limited in the strictest terms; and to show that these terms are to be used in the common-sense construction of questions that necessarily arise from a study of the meaning of the specific terms used, the manner of holding, the times and places for elections.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. PETERS). Did the Chair understand the gentleman desired to be notified when he had exhausted twenty-five minutes?

Mr. VAUX. I desire to be called, Mr. Speaker, whenever obtruding upon the time of the House. [Cries of "Go on!"]

Mr. HILL. I would like to put one other question, if the gentleman from Pennsylvania will permit, before he takes his seat.

I understand him to say that the Australian system is a manner of voting?

Mr. VAUX. Certainly.

Mr. HILL. Then, why can not Congress prescribe that system as one to be applied?

Mr. VAUX. Because it applies to the States absolutely and primarily, and Congress has nothing whatever to do with it. [Applause on the Democratic side]. That is the reason why Congress can not prescribe it or any other system. Congress can not prescribe it unless there is necessity, to which I referred a moment ago, and that necessity arises by reason of negligence or unwillingness on the part of the State to regulate the subject; then Congress can act.

Now, Mr. Speaker, a step further on that subject. This proposition that I am discussing is to the manner of holding elections for Representatives in Congress. Our learned friends on the other side claim, under the term "manner," that they have power over the elections in the States. They claim further that you can send the paid officers of the Government of one political party in hordes to any extent you may find necessary—to do what? To control elections in the States. [Applause.] Well, gentlemen, if so, then there is no necessity to send anybody to New York with "boodle," for you will have plenty of boodle all over the cities of the country, wherever these men are appointed in numbers sufficient, at ten, fifteen, twenty and thirty dollars a day to carry any election and to control any result you please. It will not be necessary to delegate your rights to anybody else.

But if we accept the proposition that comes to us by common rumor, that after we have acted upon this proposition now pending, after we have considered it, amended it, and adopted it, the majority of the committee on that side of the House may get ready their substitute and bring it in for our action, with no chance for discussion, no opportunity for examination, but compel us to come to a direct vote upon it; and suppose they inject into that substitute these words:

That this act shall also comprise the election of Senators in Congress.

What is to prevent it? If you can control by means of your election machinery the election of Representatives on this floor, why can you not go a step further and go to Harrisburg when the Legislature of my State is in session, with your supervisors and your deputy marshals and your judges and your wonderful chief supervisor, who is elected by nobody, who is responsible to nobody, who can not be punished by anybody, providing he is acting under the provisions of your proposed legislation; and he shall walk in while the Legislature is holding its session and say: "Sir, you are a member of the Legislature of Pennsylvania?" "Yes, sir." "Then walk out!" [Laughter and applause on the Democratic side.] "Walk out; there was not a fair and free vote in your county when you were elected." [Renewed applause.]

Mr. SPRINGER. Strike his name off the list.

Mr. VAUX. Yes, strike his name off the list, and in that way, always being sure, if it is a Republican that is to be elected, to pick out a Democrat. It is sometimes a fashionable idea that the only villains in the country are Democrats. [Laughter.] I want to know what is to prevent them from taking out of the house of representatives and the senate of Pennsylvania Democratic members under this pretext that they have a right to supervise the election. If they can supervise the election of my friend, Judge HOLMAN, for Congress, they can supervise the election of my friend, Mr. CAMERON, to the Senate. They can go into the senate of Pennsylvania and do the same thing. And if there are any distinguished gentlemen in this House upon the other side of the chamber who are looking forward to being United States Senators, I caution them lest, when they have made all their primary arrangements as to the manner of holding the election, it may turn out to be not so very pleasant as they expect under the law that they are now trying to give to the people of the United States; it may operate more powerfully than they intended. [Applause and laughter on the Democratic side.]

Now, I can not go any further with this because I know my friend is impatient. [Cries of "No!" and "Go on!"] I can not go on any further because I want to say one word as to the mode of the construction of this proviso. I was amazed when I heard the majority report claim that it was put upon this proposition, that the manner of holding elections was in the purview of Congress, and upon which it was the power of Congress to legislate. Now what does that report say. It quotes the section:

The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Now see what the report asserts. I doubt if some gentlemen here have read this carefully. It has amazed me. I frankly confess that, after some few years spent in looking after questions that required careful analysis, I am astonished and horrified at the manner in which this majority report construes that section.

The language employed in this section—

Says the report—

is so plain—

I agree to that—

that it seems almost superfluous to enter into argument or discussion as to its meaning.

I say amen. There is no necessity for it except the exigencies of partisan necessity.

If words mean anything—

I supposed they did; I agree with that—

If words mean anything, those just quoted mean that the power of Congress over the conduct of elections of members of this body is absolute and complete.

But read the report.

Notwithstanding it is absolutely the power of the State Legislature to regulate the holding of elections, notwithstanding it is only the "manner" which Congress has any right to legislate upon, yet this report justifies this bill by a construction that I believe is without a parallel in forced construction.

Read it:

In connection with this bill, as it seems to your committee, there are two points to be chiefly considered: First, the power of Congress to enact such legislation and, second, the expediency of doing so.

This necessary power is found in section 4, Article I, of the Constitution of the United States, which is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

The language employed in this section is so plain that it would seem almost superfluous to enter into argument or discussion as to its meaning. If words mean anything those just quoted mean that the power of Congress over the conduct of elections of members of this body is absolute and complete. The Constitution says that Congress may make all regulations in regard to the election of Representatives, and the power to "make regulations" thus conferred is in terms exclusive and paramount. But out of abundance of caution the framers of the Constitution went further and added to the word "make" the words "to alter;" that is, under the Constitution, Congress has power to assume complete control of elections of its members and conduct them at such times and places and through such officers and under such rules as it may see fit. On the other hand, Congress may under this clause leave the entire regulation of the election of Representatives to the States, or it may take a partial control of a part of the necessary procedure and leave what remains to the State, or it may alter and amend the State regulations and supervise and enforce their execution.

There is one other instance where five of the nine gentlemen in black make constitutional law, and it is thus made as we see to subserve political partisan schemes.

I believe my friend from Indiana [Mr. HOLMAN] is as old as I am, and he is a member of the bar and a lawyer. I have been for fifty years a member of the bar, and I believe, upon my word, that such a construction as that would not have been tolerated in days gone by by anybody who considered himself entitled to respect as a constitutional lawyer. Think of it—

that the power of Congress over the conduct of elections of members of this body is absolute and complete.

Absolute and complete, by reason of the power to regulate the manner of holding elections. That is what this report says. Then it goes further:

The Constitution says that Congress may make all regulations in regard to the election of Representatives.

It says no such thing. You can not with a railroad engine drag that into the sentence. [Laughter on the Democratic side.]

And the power to "make regulations" thus conferred is in terms exclusive and paramount.

Think of it! "Exclusive and paramount," when the language is that it shall be done by the Legislatures of the States!

But out of abundance of caution—

I am so glad that my learned friends on the other side have a little caution—

But out of the abundance of caution the framers of the Constitution went further and added to the word "make" the words "to alter." That is, under the Constitution Congress has power to assume complete control of elections of its members and can direct them as it sees fit.

Well, upon my word, I have heard of a great many things in the English language and I believe some books have been written to show what can be said by words that are called English words; but, if there is a greater power to "alter" than to "make," then I would like to know where that difference exists. [Laughter.]

I have heard it said in olden time that there is in certain agricultural communities a surgical operation that is sometimes performed in the neighborhood of farms where alteration makes one thing, but does not make an animal. [Laughter.]

Now, sir, to justify that opinion as I have quoted it, for I will dignify it with the term "opinion," they quote a decision of five of the nine "gentlemen in black." Five of the nine "gentlemen in black" have a right to make a decision under rules of law and by construction of the Constitution; but there is no law of Congress under the Constitution which gives to those "five gentlemen in black" the power to make a constitutional law. [Applause.] That belongs to a power we have not undertaken to alter.

And, sir, I see that since this Congress began there have been two decisions, for such they call them, two utterances of these gentlemen that have evoked the strongest condemnation from some constitutional lawyers. Mr. Speaker, unless I am very much misinformed, one is now going through the ordeal of legislative enactment to make it legal. [Laughter]. Therefore, when these learned gentlemen who comprise the majority of this committee give citations of decisions of a court, let me say to them that it has been said very lately, in the presence of as intelligent a body of men as could be gathered anywhere, that "decisions may be made by courts, without law;" and I wish to affirm that position by calling attention to the two decisions made since Congress met.

Now, I have shown the "manner" of these elections, and under this reference to the term "manner" there is no construction of the courts of law on it.

Then we come to another proposition that is involved in the Constitution. The electors are the voters. The voters, gentlemen, are to hold these elections. It is not an election controlled by officers of Federal courts or partisan head Federal officials. The people hold elections.

Now, a great deal has been said about this bill. I do not propose to discuss it. Abler men, far more able to discuss it than I, have already told you something of its faults; but I will tell you this: By this bill the right to choose the Representatives and United States Senators, if this bill becomes a law, will no longer be vested in the people. It will be vested in Federal officers, paid by the day, to do the bidding of those who appoint them, who have no color of responsibility under the terms of the act, which provides that the circuit judges shall do it.

Are we to bring the circuit judges of the United States and other Federal judicial tribunals into the mud and dirt of partisan political schemes? Who appoints the judge? He is there for life. He appoints the supervisors. These duties imposed on the courts by this bill are extra-judicial. If judges agree to voluntarily perform them, they take from the judiciary its high character. The judge is there without any power to direct and compel his action. The supervisor is amenable to nobody, and it is not possible, Mr. Speaker, if this becomes a law, to bring him to account for whatever he may do, however wrong it may be, however directly against the law it may be. There is no power to bring him up before a court and question the authority of his act. The moment you do this the man who does it is brought up before the same court, because he complains of injustice and illegality in the supervisor, and he is put in prison by

the jury. Who chooses the jury? The supervisor or his marshal; and the man who has done the wrong goes free. A man can not step in and interfere, or he may be "subject to arrest." This supervisor or the marshal, who are without responsibility, may go to the polls, may make a house-to-house inspection, may see to the registering, go into the election room, count the ballots, mark the ballots, and having done that may certify to the Clerk of this House the Congressional vote.

A supervisor without responsibility, a supervisor amenable to no law, may make a report to the Clerk of this House and the name goes on the list, it matters not whether 5, or 500, or 5,000 votes were cast against the returned candidate. No power is reserved anywhere to regulate it except by a contest in this House, and then this man who has got the certificate votes against the contestant and prevents you from turning him out. You call that legislating on the "manner" of holding elections. The Clerk of the House, poor fellow, must put his name on the list of members or pay a fine of $1,000 and be sent to prison.

One moment longer. I have been told that, while it may be doubtful about this constitutional provision, there is something above that, and one learned gentleman on the other side says, "We must pass this law; we must have a pure and honest election; we must have a free vote, and we must have the vote counted. That is the reason we want it passed." Why? "Because there are frauds." Frauds where? Ah, well; we do not pretend to say. We do not want to hurt the feelings of our Southern friends; but we want to get down South in order that we can elect members; and by the means referred to we seek to elect them notwithstanding how many people may have voted against them. Frauds! Am I told, Mr. Speaker, in this day if a fraud exists, it can impart to Congress the power to destroy the Constitution, power to give courts the right to legislate? Frauds exist all over the country. Frauds! Do they impart to Congress the authority to give an interpretation to the word "manner?" Well, yes, of course there are frauds.

"Oh," they say, "we do not propose to administer this law over the United States." Oh, no, that is not intended. But they take good care to say as my friend said who took his seat awhile ago that they do not propose to administer this law all over the United States. He did not put his argument in that way, but the implication was this: "In a good Republican district where we have a majority we do not want this law; but in Democratic districts where we have not a majority we intend to apply it." [Laughter.] I want to tell you gentlemen upon the other side that if this bill becomes a law the first place, or one of the first places, where will it be put in operation will be the State of Maine. [Laughter and applause on the Democratic side.] The Democrats of the North will see that Maine is one of the first places to test the operation of this law, and then we shall see what the condition will be. I would like them to see the distinguished gentleman [the SPEAKER] rise and say, "Let the galled jade wince; my withers are unwrung." [Laughter.]

Gentlemen, if you intend to apply this law wherever a Democratic majority exists and to withhold the application of it where no Democratic majority exists, then I tell you that it will be made of universal application, and if it costs $15,000,000 a year of the public money to carry out this law and if these fifteen millions are wrung from the sweat of the farmers and the working people of the country let it come, because every drop of sweat that they expend is earning the money to pay those fifteen millions will fertilize the soil for the growth of anti-Republican votes. [Applause on the Democratic side.] There is some intelligence left yet in the Democratic party; they have some knowledge of fair play; and if this bill is intended to operate upon the Democracy and upon them alone, I tell gentlemen upon the other side that the Democracy will see to it that it is applied to their opponents as well.

Now, Mr. Speaker, I feel that I have already occupied too much time. I do not desire to take advantage of the courtesy of the House to obtrude myself upon it at too great length. [Cries of "Go on!" "Go on!"]

One word more about the meaning of the word "manner" in this clause of the Constitution. I am contending that the power given is as to the "manner" and nothing else, and that the "manner" I regard as the most important question involved in this legislation. It is distinct from subject altogether. Let me illustrate. I have been long enough sitting in this Hall to discover that there is a body of men somewhere about here, hidden or exposed—I have never seen their abiding-place, but I know they are called the Committee on Rules. [Great laughter.] Those gentlemen are as effective agents of legislation as the supervisor and his marshals under this bill would be effective in elections. [Laughter.] They belong, too, to the same category of Federal agents; and if the one agency does its work as well as the other, then I pity the Democratic constituencies. [Laughter.] Now, as to the meaning of the word "manner" when applied to the holding of elections, I ask gentlemen to consider this proposition. This Committee on Rules came in here the other day with a report fixing the "manner" of holding this debate.

The manner of holding this debate does not control the debate. It limits the time and refuses to permit the representatives of the people to have full discussion of the bill, but as yet has not directed what is to be uttered or suppress what has been spoken. The rule may thus legislate on the manner, but not the subject. And again by the rules of the House—

> Reports and communications from the heads of Departments and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members.

See Rule of the House No. XXIV, page 256.

This is an authority of the House on "manner."

But are we to be told by gentlemen on the other side that that manner of holding this debate, which was so prescribed, extended through the manner to the subject-matter, and that the Committee on Rules has the right to say such and such men shall speak and others shall not speak; "You shall discuss this question, not that question;" "You shall not undertake to impute fraud to the Republican party, while they may impute it freely to you?" These are the subject-matters of debate, not the manner, and the committee has nothing to do with them. Therefore, in prescribing the manner of holding the debate they confine themselves to limiting the time and parceling it out. It is decided that Mr. Smith shall have ten minutes, and Mr. Brown three minutes, and Mr. Somebody else one hour, and the Speaker, with an impartiality which does him great honor, brings down his gavel exactly as the time expires. [Laughter.]

Oh, gentlemen representing the men of America, dealing with this great question which strikes at the very vitals of your form of government, which overturns the Constitution, which makes us slaves of an irresponsible body of Federal officers, men who can not be controlled or called to account, gentlemen representing the men of America, in this nineteenth century, in this country which is called a country of law, of liberty, of freedom, has it come to this, that you are dividing the time for deliberation in this House by a clock, by the minute, when this momentous question is under consideration? Mr. Speaker, when our forefathers brought on the Revolutionary war and these colonies separated themselves from the British Crown and became separate, sovereign, and independent States, they did it upon the principle that they would not endure taxation without representation.

Let me say, with the most profound respect for this House, that the time may come when rules of legislation depriving the people of representation will drive those people to the same position which their forefathers took when the mother country undertook to tax them without giving them representation. [Applause.]

Now, Mr. Speaker, if the House will indulge me a moment longer I shall conclude.

The SPEAKER *pro tempore*. The gentleman has six minutes left.

Mr. VAUX. Oh, I am delighted. [Laughter.]

Several MEMBERS. So are we.

Mr. VAUX. I want only a few minutes more, to read a brief newspaper extract which I think may amuse some of the gentlemen on the other side. I read it for their benefit, for the benefit of the majority of the committee who reported this bill; not for gentlemen upon our side, because they are as familiar with the truths involved in it as they are with the truths of the Holy Bible. [Laughter.]

Gentlemen laugh, but, strange as it may seem to them, there is such a book. [Renewed laughter.] It may be that gentlemen on the other side are as unfamiliar with the truths of that book as they are with the principles of the Constitution, but truth is eternal. When it was asked aforetime, "What is truth?" an answer was given that has never been improved upon. The answer was, "God is truth;" and we on the Democratic side know that God is truth and that the truth is God. [Laughter.]

Now, this extract which I am about to read is from a Philadelphia morning newspaper. The statement in the paragraph is that Judge Harlan, of the United States Supreme Court (the nine gentlemen in black), in an address delivered before the University of Michigan, made use of this language:

> While the national rights must be respected, it is no less important to recognize the existence and authority of State rights, for to the States we must look primarily for our liberty. The States are the foundation upon which rests the whole superstructure of the United States. Without the States under the Constitution we would have no Government.

"While the national rights must be respected, it is no less important to recognize the existence and authority of State rights, for to the States we must look primarily for our liberties."

Yes, Mr. Speaker, we must look to the States for the manner of holding elections, and for the right to hold elections, and for those who are to hold the elections, the people of the several States.

Judge Harlan continues:

> The States are the foundation upon which rests the whole superstructure of the United States. Without the States under the Constitution we would have no Government.

No, Mr. Speaker, we would have no Government, except the bill which is presented by the majority of the Committee on Elections. [Laughter and applause.]

Mr. KENNEDY. Mr. Speaker, the Government of the United States is founded upon the broad principle that the majority shall rule, and the manner of determining the will of the majority is plainly pointed out by our laws and determined by our Constitution.

Any attempt to subvert the will of the majority, in whatever manner made, is an attempt to overthrow and defeat the will of the peo-

ple, and in a measure to destroy the very foundations of our republican institutions.

The safety of the Government itself largely depends upon the liberty and the safety of the individual citizen.

The minority may, and in most cases will, quietly submit to the rule of the majority when that majority is fairly and impartially determined.

It is even possible for those who are wronged and outraged to permit these outrages to continue for a season in the hope that wiser counsels will at last prevail, and that when reason asserts herself that ample and substantial justice will be done to all alike.

THE MINORITY, NOT THE MAJORITY, RULE.

It is idle for us to pretend that our Government for the last quarter of a century has been ruled impartially by the will of the majority. It stands to-day as the most splendid illustration of the patience and forbearance of the people, when we recall the fact that its ballot-boxes have been trampled under foot, that its elections have been conducted, not for the purpose of determining the will of the majority of its people, but rather for the purpose of defeating and defrauding them of the opportunity to exercise their constitutional rights.

DEMOCRACY NOT INDORSED BY THE MAJORITY.

It is useless to quibble about terms, and the claim that the Democratic party has within a quarter of a century, at any trial, commanded the confidence and support of a majority of the people of this country is as baseless as it is presumptuous.

Within that time, in almost one-half of the Union, the freedom of the ballot has been unknown, the right of the citizen to express himself without fear and without favor has been defeated and denied, and the minority has been able by means within its power to hold and to keep control of local and Federal representation.

He who is not aware of this is either willingly ignorant of the condition of things existing in that portion of the Union, or is so blindly bigoted as to be ready to permit them to exist in order that the party to which he belongs may for a brief period continue in power, even if it shall be necessary for this purpose to overturn the will of the majority.

FALSE CLAIMS OF THE DEMOCRACY.

The claim that the Democratic party has at any election been indorsed by the popular vote is but another manner of expressing the fact that the Democratic party has been enabled in a large part of the Union to suppress the votes of a large number of those entitled to exercise the franchise and by this means to accomplish the overthrow of the will of the people.

CLEVELAND NOT ELECTED BY A MAJORITY.

The bald pretense that Grover Cleveland was elected President of the United States by a majority of the people of the United States is subject to the further statement that at this same election a large number of the qualified voters who would have registered their votes against him were not permitted to do so, and hence, by reason of intimidation and outrage, one who would of necessity have been defeated in a fair contest is declared to have been the choice of a majority.

To show that this statement is not made without authority, I ask you to briefly examine the returns of that election.

REPUBLICANS NOT PERMITTED TO VOTE IN THE SOUTH.

If the census returns are fair estimates of population, the natural increase since 1880 should show a growth in Louisiana, Mississippi, South Carolina, Georgia, and Alabama corresponding to the balance of the South of something over 10 per cent. in 1884, but taking the vote as computed upon the census returns of 1880, in the elections of 1884, and 556,357 voters were denied the privilege of registering their choice at the ballot-boxes in these States alone.

In the Southern States the total vote in 1884 was 4,397,112, and of this vote only 68 per cent. was permitted to be cast, while 94 per cent. of the Northern vote was cast at the same election. If a corresponding vote had been cast in the Southern States there would have been a total vote of 4,177,256. Instead of this there were cast only 3,034,007, and hence it appears that 1,134,249 voters were not permitted to vote at all.

As these votes were nearly all colored votes, it is not assuming too much to say that they were almost entirely Republican, and thus an apparent Democratic majority came from the suppression of the legally qualified voters of the land.

The following tabulated statement is interesting and instructive:

*Table showing the total population, the total vote, and the vote cast in* 1884.

| States. | Population, 1880. | 1884. | |
|---|---|---|---|
| | | Total vote. | For President. |
| Alabama | 1,262,505 | 252,301 | 153,489 |
| Georgia | 1,542,180 | 308,434 | 143,543 |
| Louisiana | 939,946 | 187,987 | 109,234 |
| Mississippi | 1,131,597 | 226,319 | 120,019 |
| South Carolina | 995,571 | 199,119 | 91,578 |

This vote, as computed upon the population of 1880, should have been about 10 per cent. larger in 1884, but according to the vote as stated from the census of 1880, in these five States alone 556,357 voters were not permitted to make any expression at all at the ballot-boxes in the selection of a President of the United States, and this condition of affairs existed in a large portion of the Southern States, and under such circumstances and conditions the Democratic party, with an assurance passing all understanding, assumes to have been indorsed by the popular vote of the people of the United States.

REPUBLICANS IN A MAJORITY ON A FAIR VOTE.

There has never been a time since the year 1860 when the people of the whole country, if permitted to do so, would not have declared by their ballots in favor of the principles and policy of the Republican party.

REQUIRES MORE VOTES FOR REPUBLICAN THAN FOR DEMOCRATIC ELECTORS.

Look at this matter from another standpoint. The total vote of the North in 1884 was 8,492,723, and of the South 4,397,112. Of these grand totals 95 per cent. of the entire vote was cast in the North, and only 70 per cent. in the South in the election of 1888.

Thus you will see that in these Southern States, at the election of 1888, more than 1,570,000 voters were not permitted to cast their ballots into the boxes and to have them counted.

The 248 Presidential electors chosen in 1888 by the Northern States represented a total vote of 8,001,244, or 32,263 votes to each elector, while the 153 Southern electors represented a total vote of 3,351,682, or 21,981 to each elector.

In short, it cost 10,253 more votes in the Northern than in the Southern States to choose an elector for President of the United States.

PERCENTAGE OF VOTES NORTH AND SOUTH.

It is interesting in this connection to study and compare the vote cast in some of these States with the population. Taking an equal number of Northern and Southern States we find the following:

| State. | Persons to voter. | State. | Persons to voter. |
|---|---|---|---|
| Georgia | 9.9 | Minnesota | 5.2 |
| Louisiana | 9.6 | Nebraska | 5.2 |
| Mississippi | 9.6 | Iowa | 5.0 |
| Alabama | 8.3 | Illinois | 4.9 |
| Arkansas | 7.6 | Kansas | 4.9 |
| Virginia | 7.1 | Pennsylvania | 4.9 |
| Texas | 6.6 | New York | 4.6 |
| Tennessee | 6.4 | Michigan | 4.6 |
| Kentucky | 6.2 | Indiana | 4.6 |
| North Carolina | 5.7 | Ohio | 4.4 |

PATIENCE AND FORBEARANCE OF THE PEOPLE.

It is a matter which testifies to the patience and forbearance of the most enlightened people upon the face of the earth that in the midst of such fraud and outrage, in the face of the acknowledged and boastful trickery and open and notorious overthrow of the rights of the people neither anarchy nor bloodshed followed, but quiet submission to so great a wrong, with the hope that opportunity would soon present itself to correct by peaceable means these great evils and by legislative enactments and by wise provisions secure to every citizen of the Republic the rights guarantied to him under the Constitution.

And in view of these facts, as if it was a matter of which to be proud and exultant, the Democratic party proceeds to glorify itself because it has not only suppressed the right of suffrage, but has been enabled by this means to obtain power and preferment.

CONGRESSIONAL ELECTIONS UNFAIR AND UNEQUAL.

In the election of Congressional Representatives the greatest inequality exists.

The five Southern States of Georgia, Alabama, Louisiana, South Carolina, and Mississippi elected their Representatives with total votes in 1888 as follows: Alabama, 174,000; Georgia, 142,939; South Carolina, 79,941; Louisiana, 115,834; Mississippi, 115,788.

Thus you will see that Alabama elected eight Representatives with an average vote of 21,750; Georgia, ten, with an average vote of 14,290; Louisiana, six, with an average vote of 19,305; South Carolina, seven, with an average vote of 11,420, and Mississippi, seven, with an average Congressional vote of 16,540, while the five Northern States of Ohio, Indiana, New York, Iowa, and Michigan cast total votes in 1888 as follows: Ohio, 841,944; Indiana, 536,901; New York, 1,331,147; Iowa, 404,130; Michigan, 476,273.

The average vote cast in the election of each Congressional Representative in these States was as follows: In Ohio, 40,092; in Indiana, 41,300; in New York, 38,852; in Iowa, 36,470; in Michigan, 43,300.

The average vote cast for member of Congress in the five Southern State was as follows: Alabama, 21,750; Georgia, 14,293; South Carolina, 11,420; Louisiana, 19,305; Mississippi, 16,540.

The total vote cast in these five Northern States was 3,590,395.

The total vote cast in these five Southern States was 628,502.

The five Southern States, with a total vote of 628,502, elected thirty-eight members of Congress, with an average vote of 16,541, while the five Northern States, with a total vote of 3,590,395, elected ninety members of Congress, with an average vote of 39,893. It requires, therefore, 23,352 more votes in the Northern States to elect a member of Congress than it requires in the South.

ONE SOUTHERN VOTER HAS AS MUCH POWER AS 2.4 VOTERS IN THE NORTH.

In other words, every single voter in these five Southern States has as much power in the selection of members of Congress and members of the electoral college as 2.4 voters in the North.

If these five Northern States were only entitled to elect ninety Representatives by reason of the vote cast, then these five Southern States were only entitled to elect sixteen Representatives instead of electing thirty-eight, and by reason of such suppression of the ballots of the people the Democratic party secures, if it secures at all, supremacy in the House of Representatives and becomes supreme in the nation only by means of refusing the people an opportunity to make fair and honest expression of their political preferences, and by denying to them any opportunity of being heard in their own cause.

HOW LONG SHALL THIS CONTINUE?

How long are these inequalities to continue?

How long is it to be expected that the Northern States will quietly submit to these outrages upon the ballot?

How long is it to be supposed that the Northern voter will permit himself to be regarded as less than equal to one-half of a Southern voter?

How long is it presumed that independent and thinking men, regarding the ballot not only as the means of expressing the political opinions of the people, but as the only method of selecting their executive and legislative representatives, will consent to this absolute destruction of the elective powers?

How long will the patience and forbearance of an already outraged people quietly submit to this absolute rule of the minority?

Let me caution these States within whose borders the ballot has lost its lawful power and within whose domain the rights of the people and the majority have been trampled under foot, that they have reached the point where the roads divide; one leads to anarchy and ruin, the other leads to justice, equality, and safety.

THE MISSISSIPPI PLAN.

So completely have these attempts to suppress the votes of the Southern people succeeded that the "Mississippi plan" is one of the recognized and important factors to be relied upon in assuring the success and the continuance in power of the Democratic party.

To what extent the suppression of votes has been carried in these States you may judge by an examination of the following counties of Mississippi:

| Counties. | Vote in 1872. | | Vote in 1888. | |
|---|---|---|---|---|
| | Grant. | Greeley. | Rep. | Dem. |
| Choctaw | 328 | 397 | 3 | 743 |
| Claiborne | 3,240 | 439 | 14 | 599 |
| Covington | 270 | 341 | 4 | 638 |
| Itawamba | 48 | 535 | 50 | 1,860 |
| Jones | 72 | 256 | ..... | 671 |
| Lawrence | 547 | 407 | 2 | 836 |
| Lee | 645 | 1,040 | 27 | 1,508 |
| Leflore | 915 | 305 | 1 | 825 |
| Lowndes | 3,217 | 698 | 17 | 1,122 |
| Marion | 231 | 226 | 5 | 826 |
| Neshoba | 185 | 312 | 3 | 884 |
| Noxubee | 3,058 | 736 | ..... | 846 |
| Perry | 25 | 188 | 17 | 547 |
| Smith | 98 | 452 | 2 | 1,082 |
| Winston | 439 | 529 | ..... | 708 |
| Yazoo | 2,433 | 922 | 7 | 1,196 |
| Total | 14,751 | 7,783 | 152 | 14,891 |

The total vote in 1888 was 7,500 less in these three counties than in 1872; whereas, owing to the increase in population, it ought to have been at least 7,000 greater. Fourteen thousand votes were manifestly suppressed in 1888, and as the Republican vote of 14,751 in 1872 has been reduced by the count to 152, it is easy to understand what votes have been suppressed, even if we had no other evidence.

It was the member from Indiana, if I am not mistaken [Mr. BYNUM], who said that the Democratic party would come back into power in this Chamber. It may be possible, Mr. Speaker, that such may be the result, but it will not be because the people have spoken and so willed it, but because the opportunity to speak has been denied to the people.

DEMOCRATS NOT SENSITIVE AS TO THE MEANS.

Not only by such means is it intended to carry the Presidency, as it were by storm, but the two Houses of Congress are to be at the same time, by such measures, placed within the control of the Democratic party.

It is a matter passing all human understanding that men who are especially sensitive as to their honorable records, and who would scorn to do a dishonorable thing among their fellow-citizens for the purpose of financial or personal advancement, are ready and willing to be the beneficiaries of the most glaring and outrageous frauds when perpetrated for political or party purposes, and are ready to accept political power and preferment though it should come through the means of the most corrupt and degrading trickery and dishonesty and be covered all over with charges of unfairness and dishonor, or even if it should come to them stained with blood and crime.

Even so distinguished a Representative as the gentleman from Mississippi [Hon. Mr. CATCHINGS] has in the captured letter written to a personal friend made a remarkable suggestion, which at best is subject to an interpretation not at all favorable to the dignity and good name of himself, his party, or his State, when he writes:

I do not think it would hurt at all if one or two of them should disappear. It might have a very happy effect on Hill, his witnesses, and lawyers.

That the disappearance of one or two persons interested in a contested-election case might have a happy effect upon the contestant, the people, and his attorneys his unquestionably true, and that this Arkansas manner of appealing for discontinuance or silence might favorably avail, I can scarcely deny; but what shall we say of an enlightened leader who cries out against the dangerous ignorance of the people, and then suggests as a proper means of silencing opposition and political contest the removal of one or two of those who question his right to represent this dangerous ignorance of Mississippi.

I doubt if it will be determined by any fair-minded man that this dangerous ignorance is likely to be any more dangerous than this enlightened and distinguished Representative of Mississippi and his political friends.

That such measures are sometimes resorted to for the purposes of political advancement is unfortunately too true. It is a matter of national humiliation that success at the polls too frequently blots out the infamy and the crime which render that success at all possible; and it is a matter of national degradation that those who succeed by such methods are permitted to occupy positions of trust and to enjoy, not only undisturbed but in security and in honor, the highest places within the gift of the people.

That there are men brave enough in the midst of such surroundings and danger to denounce and condemn them is a matter of the greatest satisfaction, and gives some hope for the future. That such things exist I can not doubt, but I call as a witness one whose fearless language entitles him to the gratitude of the law-abiding people of the whole country. Judge Cunningham charged the grand jury in the Clayton murder and Plummerville ballot-box theft cases. The judge's words were blunt, but forcible. He says:

There is no man with three ideas above an oyster who does not know that murder and assassination are the results, and will continue to be the results, of the political methods that have been employed in this county to carry the last election, and the meanest man in the country is the professed politician who advocates or indorses such methods. You must stop this ballot-box stealing, force, and fraud, or the title to your property will not be worth the paper it is written on. Democracy means that the people shall rule, and we are told that it is undemocratic to denounce bulldozery, ballot stealing, and assassination. If this be true, then I am no Democrat. If apology for bulldozery, ballot stealing, and assassination constitute Democracy, then may the angels and ministers of grace protect me from such Democracy.

DEMOCRATIC PARTY OPPOSED TO ELECTION LAWS.

That the Democratic party should now array itself against an election law is entirely consistent with its record and is in accord with itself.

A fair election means Democratic defeat; a party which owes its success to the obliteration of its political opponents, not by fair and manly contest at the polls and in an honorable struggle for political supremacy, but by means of threats, intimidation, and violence; by seizing upon the ballot-boxes of the land, and by driving away from them those entitled under the law to exercise the rights of electors, would not be expected to demand such legislation as would give to all the people equal protection and fair elections.

The Democratic party is opposed to election laws, because wise and just election laws will not permit that party longer to control by the means of a small minority vote almost one-half of the Union.

The Democratic party is opposed to election laws because it recognizes the fact that under fair and just election laws the tissue ballot will be a thing of the past.

The Democratic party opposes election laws because it knows that under such laws every citizen, not legally disfranchised for sufficient cause, will be entitled to have his ballot put into the box and have it honestly counted.

It opposes election laws because it must know that under such laws the disfranchisement of the black man without due process of law will no longer be permitted or quietly submitted to.

It opposes election laws because it knows that under such laws it will be no longer possible in South Carolina to confuse the voter by a multiplicity of boxes into which by trickery and deceit he can be induced or defrauded into putting his ballot into the wrong box, and by this means losing the right to be counted as a voter in an election in which he has supposed himself to be taking part.

It opposes election laws because under such laws in Virginia he can no longer, by reason of dishonest judges and clerks of election, compel the black voter to stand from morning till night at the polls without an opportunity having been accorded him of casting an honest ballot.

It opposes election laws because in Arkansas it will forever put an end to the use of fraudulent ballot-boxes, and the "now-you-see-it" scheme,

which puts a Democratic ticket into the box, and the "now-you-don't-see-it" scheme, which puts a Republican ticket out of the box, will become a part of the dishonest history of the Democratic party.

It opposes election laws because under any fair system of elections the Democratic minority can no longer out-vote, out-count, and out-wit the will of a fair and honest majority.

It opposes election laws because it prevents one vote in Democratic Georgia and in Democratic Mississippi from being equal to two or more votes in any other section of the land.

It opposes fair elections because fair elections do not mean the success of the Democratic ticket.

ALL PARTIES PRETEND TO FAVOR HONEST ELECTION LAWS.

All parties in this country pretend to favor fair and honest election laws. All parties in this country should be ready to unite in the passage of such laws as will insure to every citizen of the Republic the right to an honest ballot; without it he is denied the highest privilege of citizenship; without it he is not permitted to take part in the making and the execution of laws which he is bound to recognize and obey. As one of the parties to the compact he is entitled to be heard in establishing its terms and formulating its requirements.

Without such laws and without a proper execution of them the few rule over the many.

THE RULE OF THE MINORITY.

To what extent the rule of the minority prevails in our country we may be enabled to at least partially judge by an examination of the election returns of some of the States and districts.

The lower branch of Congress for a term of years was within the control of the Democratic party, and the States largely contributing to its supremacy were those south of the line once marked by the limitations of slavery.

FREEDOM INCREASED THE SOUTH'S POWER.

Under the days of slavery only three-fifths of the slave population were to be counted in the basis for Congressional and national representation.

When the slave became by the Constitution and the laws a citizen the entire population was counted, and the three-fifths of the days of slavery became by virtue of liberty and citizenship five-fifths, and thus there was added to the numerical power of the South by the emancipation of the slave about 1,600,000 citizens, upon whose numerical strength, from that time on, the South was to count her basis of representation.

Thus by virtue of the negro the Southern States were given a largely increased representative power.

THE CONSTITUTIONAL PROVISION.

The constitutional provision extending to all citizens of a State the right of suffrage also provided that in case the same should be at any time abridged or denied, that in such case the basis of representation should be proportionately reduced.

That such right has been abridged and denied, I think no one with a knowledge of the facts and candor enough to be moderately fair can for a moment deny.

Let us examine the returns from the five States of Louisiana, South Carolina, Mississippi, Georgia, and Alabama.

The election returns of 1888 show a largely increased vote in these States over the returns of 1886, so far as Congressional Representatives are concerned, and it is just and fair in making a Congressional apportionment among these States that the vote for Congressional Representatives should be the basis of that apportionment.

FOURTEENTH AMENDMENT.

It is plainly provided in the fourteenth amendment to the Constitution that the apportionment of Representatives shall be made among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

But where the right to vote at any election for the choice of electors, Representatives in Congress, executive or judicial officers of a State, or members of the Legislature is denied to any male inhabitant of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

With a view, therefore, to determining the number of voters who have been excluded from participation in such elections and have been denied the right to vote therein, let us examine the returns of these States and find, if possible, the proportion of those entitled to vote who have been excluded, and the proportion they bear to the whole number of male citizens twenty-one years of age in these States.

FIVE SOUTHERN STATES EXAMINED.

The returns of these five States for the last four Congressional elections show the following numbers as having been permitted to vote in these respective States:

*Table showing the votes cast in* 1882, 1884, 1886, *and* 1888, *in the several Congressional districts of Alabama, Georgia, Louisiana, Mississippi, and South Carolina*

| State and districts. | 1882. | 1884. | 1886. | 1888. |
|---|---|---|---|---|
| **ALABAMA.** | | | | |
| First district | 16,735 | 15,274 | 4,220 | 11,594 |
| Second district | 21,944 | 20,322 | 5,659 | 14,041 |
| Third district | 12,787 | 15,314 | 4,662 | 16,216 |
| Fourth district | 11,751 | 22,376 | 20,958 | 24,403 |
| Fifth district | 15,462 | 10,993 | 6,333 | 19,418 |
| Sixth district | 9,108 | 10,207 | 12,300 | 24,370 |
| Seventh district | 9,611 | 22,404 | 12,177 | 26,973 |
| Eighth district | 23,573 | 24,471 | 20,333 | 21,861 |
| Total | 120,971 | 141,361 | 86,632 | 173,175 |
| **GEORGIA.** | | | | |
| First district | 9,939 | 16,869 | 2,078 | 16,896 |
| Second district | 12,200 | 7,828 | 2,411 | 11,009 |
| Third district | 4,450 | 14,325 | 1,704 | 12,750 |
| Fourth district | 7,065 | 20,237 | 3,239 | 13,941 |
| Fifth district | 16,544 | 14,138 | 2,999 | 16,008 |
| Sixth district | 3,540 | 7,922 | 1,722 | 9,059 |
| Seventh district | 22,544 | 14,766 | 6,680 | 12,269 |
| Eighth district | 4,569 | 11,084 | 2,377 | 9,651 |
| Ninth district | 26,436 | 8,877 | 2,366 | 21,190 |
| Tenth district | ..... | 10,630 | 1,944 | 7,378 |
| Total | 107,287 | 116,676 | 27,520 | 131,572 |
| **LOUISIANA.** | | | | |
| First district | 13,350 | 13,504 | 12,999 | 13,906 |
| Second district | 13,199 | 13,549 | 14,775 | 18,068 |
| Third district | 16,412 | 29,905 | 26,835 | 25,185 |
| Fourth district | 5,778 | 13,735 | 5,759 | 17,265 |
| Fifth district | 17,329 | 19,797 | 14,263 | 22,426 |
| Sixth district | 12,022 | 16,159 | 10,132 | 16,392 |
| Total | 78,090 | 106,649 | 84,743 | 113,242 |
| **MISSISSIPPI.** | | | | |
| First district | 7,806 | 14,519 | 3,167 | 13,085 |
| Second district | 18,608 | 24,279 | 12,648 | 19,795 |
| Third district | 6,373 | 14,144 | 6,900 | 16,238 |
| Fourth district | 9,961 | 18,923 | 3,086 | 15,251 |
| Fifth district | 6,190 | 15,609 | 4,316 | 20,239 |
| Sixth district | 14,324 | 16,760 | 12,117 | 15,044 |
| Seventh district | 16,374 | 16,431 | 4,514 | 15,564 |
| Total | 79,636 | 120,665 | 46,768 | 115,216 |
| **SOUTH CAROLINA.** | | | | |
| First district | 15,239 | 11,720 | 3,317 | 9,855 |
| Second district | 16,808 | 13,525 | 12,337 | 5,253 |
| Third district | 10,922 | 11,613 | 8,774 | 4,409 |
| Fourth district | 16,250 | 13,089 | 4,470 | 11,410 |
| Fifth district | 16,989 | 13,231 | 4,701 | 9,586 |
| Sixth district | 16,705 | 14,273 | 4,469 | 8,972 |
| Seventh district | 28,486 | 13,238 | 12,476 | 15,435 |
| Total | 121,399 | 90,689 | 50,544 | 64,920 |

FOURTEENTH AMENDMENT VIOLATED.

Thus we see that in the Congressional elections of 1882, 1884, 1886, and 1888 a large proportion of the male citizens of these States over twenty-one years of age were for some reason not permitted to vote, and by a fair computation, based upon the population of these States and the number of registered voters therein, it would seem that in 1882 Alabama, with a voting population of over 252,000, only permitted 48 per cent. of her citizens over twenty-one years of age to vote; in 1884 only 56 per cent. voted; in 1886 only 33 per cent., and in 1888 68 per cent.

In Louisiana, with a total male population of 187,987 over the age of twenty-one years, in 1882 only 41 per cent voted; in 1884, only 51 per cent. voted; in 1886, only 45 per cent; and in 1888, 60 per cent.

In Georgia, with a total voting population of 308,434, in 1882 only 35 per cent. voted; in 1884, 37 per cent; in 1886, only 9 per cent; in 1888, 42 per cent.

In Mississippi, with a total voting population of 226,319, in 1882 only 35 per cent voted; in 1884, only 53 per cent; in 1886, 20 per cent.; in 1888, 51 per cent.

In South Carolina, with a total male population of 199,119 over twenty-one years of age, entitled to vote under her laws, in 1882 only 61 per cent. voted; in 1884, only 46 per cent.; in 1886, 25 per cent; in 1888, 33 per cent.

THE SOUTH HAS FORFEITED A LARGE PART OF HER REPRESENTATION.

Under the provisions of the fourteenth amendment to the Constitution these States are only entitled to such number of Representatives based upon the number of male citizens voting as is proportioned to the whole number of their respective populations over twenty-one years of age, and entitled to vote under the laws and the Constitution.

Under the reasonable and just interpretation of the meaning of this wise and most necessary provision, these States were only entitled to such Representatives as were indicated by the fair number of votes cast, having by unjust and unfair discriminations and hinderances pre-

vented a large percentage of their voters from exercising the right granted them by this constitutional amendment, and thus—

Alabama, instead of eight Representatives in 1882, should have had only four, in 1884 only five, in 1886 only three, and in 1888 only five.

Georgia, instead of ten Representatives, by her vote was only entitled in 1882 to four, in 1884 to four, in 1886 to one, and in 1888 to four.

Louisiana, instead of six Representatives, was entitled in 1882 to three, in 1884 to three, in 1886 to three, and in 1888 to four.

Mississippi, instead of seven Representatives, was entitled in 1882 to but three, in 1884 to four, in 1886 to two, and in 1888 to four.

South Carolina, instead of her seven Representatives, was entitled in 1882 to four, in 1884 to three, in 1886 to two, and in 1888 to but three.

Thus we see these five States, with a combined power in this Chamber of thirty-eight Representatives, by reason of their abridgment and denial of the rights of the citizens of their respective States to the ballot, under this constitutional provision forfeited a large part of that representative power, and were only entitled under the elections of 1882 to send eighteen Representatives, in 1884 only nineteen, in 1886 only eleven, and in 1888 only twenty.

PROVISIONS OF THE AMENDMENT MANDATORY.

This provision of the Constitution is a mandatory provision, and it becomes the duty of Congress to enforce the same.

It says plainly that if the right of the citizen over twenty-one years of age to vote is denied, "or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced." Can any language be more explicit and distinct? It therefore becomes the duty of Congress in making the apportionment under the new census to apportion the Representatives, not only to these States, but to all the States, upon the basis of the number of male citizens over the age of twenty-one years whose rights are not abridged or denied in these States, as proportioned to the number which these voters bear to the whole number of male citizens twenty-one years of age in such State.

DUTY OF CONGRESS TO ENFORCE IT.

It is the duty of Congress to enforce this amendment, and if Congress shall do less it wantonly violates this plain and explicit provision of the Constitution.

If Alabama, Louisiana, Georgia, South Carolina, and Mississippi shall without the justification of law or by statute enactment, or by the wanton disregard of law by their citizens, prevent a large proportion of their voters from exercising the franchise, and shall rob them of the right plainly granted and assured under this amendment, then these States should be deprived of such representation as is based upon such vote or population, or is thus deprived of this plain constitutional right.

If Georgia permits only one voter in ten, and South Carolina only one in four to cast his ballot and to be a factor in the selection of Presidential electors and Congressional Representatives, then Georgia and South Carolina should only be permitted to occupy upon the floors of Congress and in the electoral college such number of places as will give to them fair representation for those who are permitted to take part in the settlement and the expression of their preferences.

It becomes the duty of Congress to enforce by legislation this provision of the Constitution and thus protect all the other sections of the Union.

Georgia, South Carolina, and Mississippi have no right under any shadow of law, or in the violation of plain constitutional provisions, or by trampling under foot the rights of their citizens, to impose upon the other sections of the Union an unfair and unequal distribution of political and representative power.

NOT A MATTER AFFECTING THE SOUTH ALONE.

It not only becomes a crime committed against their own people, but it becomes at the same time a crime committed against the people of the whole country. An outrage upon the voter of Georgia may only serve to deprive him of his individual right, but its far-reaching consequences may affect the peace and dignity of the nation; it may serve to change the course of legislation, or transfer the administration of governmental affairs; and thus it becomes a matter not of personal, but of national importance.

The only safe course to be pursued and the only one to be tolerated is to see that every citizen is protected in his rights, and when this can not be done, to see that no other citizen exercises the powers and privileges of which he has been deprived, and that no other citizen is clothed with additional power because he has assisted in robbing a fellow-citizen of his constitutional rights.

AMENDMENTS ENTIRELY CONSISTENT.

There is no need for confusion as between the fourteenth and fifteenth amendments.

The fifteenth amendment plainly provides that no person shall be disfranchised "on account of race, color, or previous condition of servitude."

The fourteenth amendment provides that when the right of any male inhabitant of such State, twenty-one years of age, and a citizen of the United States, to vote is denied, or in any way abridged, except for participation in rebellion, or other crime, then the basis of representation shall be reduced.

The distinction is clear and defined. The States shall not disfranchise because of race, color, or previous condition of servitude, but that they may for rebellion, or other crime, is unquestionably true. And it is equally true that they may require such qualifications upon the part of the voter, educational or otherwise, as is not inhibited by the Constitution, but such requirements must not be drawn upon the line of race, color, or previous condition of servitude, but must affect all citizens alike.

If, however, any State by law of requirement not inhibited by the constitutional provision, shall limit or deny the franchise, or if the right of the citizen to vote is "in any way abridged," then the basis of representation therein shall be reduced.

THE FOURTEENTH AND FIFTEENTH AMENDMENTS NOT IN CONFLICT.

These two amendments provide, one for the protection of the people, and the other for the protection of the voter.

The fourteenth amendment provides that if the right of the voter is abridged or denied, that the representative power shall be reduced.

Thus it is plainly provided that if any State by law, or by any requirement, shall prohibit any of its voters from exercising the right to vote, for any cause (except for participation in rebellion or other crime) at any of the elections therein named, that such State so prohibiting or denying or abridging its voters, in any manner, should have its representation reduced to correspond with the total number of persons so prohibited from voting.

The fifteenth amendment is clearly intended to protect the citizen and to unqualifiedly prohibit any State from disfranchising by law any of its voters because of race, color, or previous condition of servitude, and is a protection to the individual citizen.

The fourteenth amendment was intended to be a protection, not alone to the individual, but to the people of the whole country, and provides that when any State, by proper constitutional requirement, by law, or in any way denies or abridges the right of the citizen to vote, then that such State shall not exercise more power in the legislative branch of the Government than it would be entitled to exercise based on the number of those participating in its elections as compared with the whole number of citizens twenty-one years of age in such State.

To hold otherwise would be to claim that a State may not by legislative enactment deprive its citizens of a right to vote because inhibited by the constitutional provision from so doing; or that a State which is entitled to require certain qualifications of its voters by law, but which does not make any such requirement of them, may nevertheless permit its laws to be wantonly violated, its ballot-boxes destroyed, its citizens disfranchised by fraud and their rights trampled under foot; and then by reason of such wanton violation of law, and its failure to provide or to attempt to provide protection and remedy, that these States and their citizens so guilty of violations of law by such means may gain and keep such additional rights and powers as they would otherwise be deprived of if they attempted to accomplish the same by law. In other words, these States would by a wanton violation of the Constitution and the laws be enabled to accomplish the very thing which the Constitution itself denies and prohibits, and yet the laws and the Constitution are alike powerless to prevent.

Such a construction would leave the citizen at the mercy of the mob.

These two amendments are written indistinct, indefinite, and in conflict.

The fifteenth amendment was allotted consideration, growing out of the necessity of giving additional protection to those lately in servitude, and only served to limit the causes for which persons can be disfranchised by the States.

The power of abridging the right of any State which in any way denies the right of any citizen to vote is clear and distinct, and in view of the circumstances surrounding its passage and the causes demanding its submission, can not by any fair-minded person be otherwise construed. Any other construction would give to a wanton breaker or defier of the laws and violater of the Constitution more power by reason of his lawlessness and disregard of his obligations than it would enable him to have as an obedient and faithful citizen of the Republic.

ITS ENFORCEMENT DESTROYS THE POWER OF THE MINORITY.

Let Congress see that the fourteenth amendment is duly obeyed and enforced, and the rule of the minority vanishes forever from this Chamber. Let them obey, not only the spirit, but the plain letter of the law, and those States which have ruthlessly ridden over the rights of their citizens will call a halt and look about them for the purpose of regaining in some measure the rights they have lost, not through fraud and trickery and coercion, but by means of just treatment of all those entitled to the elective franchise.

HONEST ELECTIONS THE ISSUE.

Can any one at all familiar with Southern affairs claim that the elections of the past decade have been conducted in any spirit of fairness, with a view to obtaining a just and impartial expression of the people of those States?

The demand for honest elections has become so loud, and the deter-

mination to secure them at any cost so general, that it is idle to longer attempt to put off the issue.

The South must learn once for all that the day of ballot-box stuffing has passed; that the days of trickery and fraud are ended, and that the great majority which has so long and so quietly submitted and so patiently waited for the millennium of their political deliverance is determined that the ballot-boxes of the land shall register the will of the people, and that that will shall be determined by those entitled under the laws and the Constitution to vote at the elections and to have those votes fairly and honestly counted.

THE DEMANDS UPON CONGRESS.

This Congress has the power, and if it does not enact a fair and impartial election law, guarantying to every voter, black or white, the right to cast his ballot into an honest ballot-box, and protecting him in life, person, liberty, and property both before and after the election, then it shall have omitted to do one of the things expected of it by the people, and will have committed little less than a national crime.

Such a law as will protect every citizen, black and white, rich and poor, in the exercise of his political rights and enable him without fear, without favor, and without bloodshed to express his personal and political preferences at the polls will at one blow strike down the unjust rule of the minority and compel it to abdicate its political supremacy.

Such a law will enable the people of all the States to determine for themselves who shall be their rulers and representatives.

THE NEGRO MUST BE RECOGNIZED AND COUNTED.

It is of no longer use to cry out against the negro. He is a part of the country and a necessary part of its enumerated people, and it becomes necessary to treat him as a factor in our national affairs.

ONE-THIRD OF SOUTHERN POWER BASED UPON THE NEGRO.

Upon his enumeration more than one-third of the representative power of the South is based. In 1880 there were 11,947,876 whites in the Southern States, and 5,994,030 colored people, and thus by virtue of his presence and enumeration these States became entitled to thirty additional Representatives upon this floor. Of its ninety-two Representatives now occupying seats in this Chamber at least thirty of them are here because of the fact that the colored people of the Southern States were counted in the enumeration of its citizens under the census of 1880.

To strike them out and to no longer count them would materially reduce the representative power of the Southern States.

To omit them from the census of 1890 would be to take away from the States of the South the one-third of their political power and prestige.

NEGROES ONLY COUNTED, NOT VOTED.

And yet, notwithstanding that fact that they form so important a part in the political strength of these Southern States and that their enumeration is absolutely necessary to their political welfare, the only right granted them in the political arena is the right to be enumerated for the purpose of adding numerical strength and securing to the more lordly whites additional political power.

In this connection it is exceedingly refreshing to see the anxiety of the South for the full and complete enumeration of the colored people under the present census. Their solicitude lest the colored people be not fairly and fully counted, or that they may possibly be overlooked, is a matter of great concern, as witness the following:

CENSUS NOT COMPLETE.

MOBILE, ALA., *June* 18.

There is quite a general feeling that the census of this city is not being thoroughly taken. Many families, especially among the colored people, have been overlooked. The enumeration closes Friday, and it is feared that the time will not prove sufficient for the proper completion of the work.

Is there any one so ignorant as not to know that they desire their enumeration not for the purpose of doing them substantial justice and protecting them in their rights, but simply for the purpose of increasing their own political power? If these people were one-half as solicitous on election day in seeing that these same colored people were permitted to vote and in protecting them at the polls, the question of race conflicts would end at once.

DISFRANCHISEMENT OF COLORED PEOPLE JUSTIFIED BY THE SOUTH.

That they are robbed of the right to political privileges, and refused the right to cast their ballots and have them fairly counted, is no longer denied, but is readily admitted, and justified on the ground of political and personal safety.

To do otherwise, it is boldly claimed, would be to submit to negro domination. To permit them to take part in State and national elections would be to permit them to arbitrarily assume the control of all political affairs, to permit them to stand in the places of Representatives upon this floor, and to permit them to assume the control of all financial and business matters connected with the property interests of the people of the State.

If such was to be the actual condition arising from the recognition of their rights, can any one now determine that the affairs of State and nation would not be managed as successfully and honestly as now?

PROGRESS AMONG THE COLORED PEOPLE.

The progress among the colored people has been so great that the quarter of a century just passed has marked an era of advancement beyond all expectation.

From ignorant and degraded slavery they have bounded forward in intelligence, and whenever opportunity affords have not failed to improve their mental and moral status.

The school-houses have been crowded with black faces, and the churches have gathered within their folds every shade of color and opinion.

Not unmindful of their worldly needs, they have been equally diligent in husbanding the results of their labor. In the State of Georgia these people, who but a short time since were bought and sold as chattels themselves, in 1888 owned $9,632,271 of property, an increase of $4,000,000 over 1880, a gain of 48 per cent., while during the same period the taxable property of the white people only increased 29 per cent.

These people who scarcely a quarter of a century ago were houseless and homeless, without capital and without opportunity, are now the possessors of more than $100,000,000 of the wealth of the nation. Let those who constantly decry them beware that they do not outstrip them in the race for gain and in the march of progress.

COLORED MAN A FIXTURE IN THE SOUTH.

Those who are making war upon the black race in the South are standing in the light of their own material advancement. He is a part of the country, firmly fixed as its rocks and hills; and his progress and improvement only add to the intelligence and wealth of her people. The further he is removed from ignorance and poverty the more powerful does he become as a factor in her material progress.

Give him and his children opportunity and the farm will testify to their growth and culture; the cabin will give way to the home of refinement and wealth, and the slave of yesterday, whose ignorance made him tractable and submissive, will to-morrow become the useful citizen, whose interests are identified with those of all her people and are to be protected by the same laws and governed by the same legislative enactments.

NO CONFLICT OF RACES.

There is no reason for conflict between the races; there is room enough for fair and honest labor and for opportunity and reward.

The South needs the colored man for her fields and mills, for her cotton and her cane; it needs him on her levees, in her department of labor. Inured to the hot suns of her southern skies, he is as necessary to her prosperity as she is necessary to his advancement.

Let them learn to treat him justly and fairly, and the growing strength of his new and enlightened manhood will but add the more and more to her wealth and progress.

HENRY W. GRADY'S SOUND ADVICE.

Henry W. Grady spoke words of wisdom and judgment when, in speaking of the condition of affairs and the requirements of the hour, he said:

As for the white people of the South, there is but one thing for them to do—that is, to do right; to protect the negro in his rights; to give him justice, and friendship, and counsel; to punish those who wrong him; to hold this course to the very last.

If you shall heed these words of this counselor you will find in the end that they are indeed the words of wisdom and foresight.

TREATMENT OF COLORED MEN SOUTH.

That the colored man has been denied his rights and has been deprived of his political privileges can not be denied. That he has been used as a most potent factor for the purpose of increasing the representative power of the South, while at the same time he has not been permitted to take part in the selection of Representatives based upon his own enumeration, is a part of the political history of the hour.

That he has not only been suppressed, but literally blotted out from the political contest, is true; and by reason of such suppression the Democratic party elects almost a solid delegation from these Southern States. With the negro in the majority in some of these States, yet he is so completely silenced that the returns made from them do not include his vote at all.

COLORED PEOPLE REPUBLICANS.

That the colored people substantially belong to one party, and, if permitted to vote at all, would vote that ticket, is very generally agreed.

Governor Lee, of Virginia, said that "the negroes of the South vote all one way, and this drives the whites into one party." He also said that in the States of South Carolina, Louisiana, and Mississippi "the negroes are in the majority, yet the whites in those States will never submit to negro rule."

He might have gone further and said that in almost every district in the South, even including his own, Virginia, the blacks are not permitted to vie with the lordly whites in the matter of political controversy, and that the party to which he belongs owes its supremacy to the fact that it has succeeded by intimidation and violence in persuading the black man that his personal safety very largely depends upon his quieting and controlling his political opinions.

The Charleston News and Courier says that it was "appalled at thinking that the rising generation of white men in the South is being taught that elections are to be carried, not by the honest vote of

a fair majority, but by rank intimidations, subterfuge, and evasion."

Again, the Birmingham (Ala.) Age-Herald, another leading Democratic paper of that section, lately said:

There are no places where the negro is not allowed the unrestricted right of ballot, unless it be in those regions where he constitutes a majority.

And the Columbia Register added:

We have carried this sort of thing as far as it can possibly go, and the result is that we are fast getting to be a set of rascals within our party limits, if we have not got there already.

The New Orleans States, an influential organ, utterly partisan, said:

The people of Mississippi do not steal or rob ballot-boxes, as General Chalmers has charged, but they do suppress the negro vote, and this fact they make no effort to conceal.

VOTE IN ELECTORAL COLLEGE MATERIALLY CHANGED IF ALL PERMITTED TO VOTE.

In the electoral college a large number of the votes now cast for the Democratic party would be changed to the Republican side if the colored people of the South were permitted to cast a free and fair ballot, and to have it honestly counted.

By means, therefore, of the suppression of the colored votes of the South the Democratic party has gained and holds possession of a large vote in the electoral college by means of which it must and will succeed, if it succeeds at all, in the election of a President and Vice-President of the United States, and thus the very election of a Chief Magistrate will be challenged by fraud and founded upon outrage and suppression.

If the fourteenth amendment is enforced in its letter and its spirit the number of Southern Representatives will be, and must be, reduced to correspond with the number of voters whose rights have been "in any way abridged, except for participation in rebellion or other crime."

With such a reduction the Democratic party becomes a hopeless minority, and can no longer assail and destroy the rights of the majority and trample upon the liberties of the people.

CONGRESSIONAL REPRESENTATION CHANGES IF THE COLORED PEOPLE COULD VOTE.

The representation upon this floor of Congress would be very materially changed if throughout all the Southern States all the legally qualified electors, black and white, were permitted to cast a free and untrammeled ballot.

There are upon this floor of the Fifty-first Congress twenty-six Democratic Representatives, not a single one of whom would be or could be elected in their respective districts if the colored voters were permitted to cast their votes and to have them honestly counted.

TWENTY-SIX SOUTHERN DISTRICTS, 1888.

There are twenty-six districts in the South where the colored vote largely exceeds the white vote, and yet these districts send Democratic Representatives by majorities obtained by the suppression and destruction of the colored votes, as follows:

| State and district. | Representative. | Negro majority. |
|---|---|---|
| ALABAMA. | | |
| First district | R. H. Clarke | 2,858 |
| Second district | H. A. Herbert | 249 |
| Third district | W. C. Oates | 3,149 |
| Fourth district | L. W. Turpin | 26,612 |
| GEORGIA. | | |
| Second district | H. G. Turner | 3,763 |
| Third district | C. F. Crisp | 2,431 |
| Fourth district | T. M. Grimes | 2,947 |
| Sixth district | J. H. Blount | 8,229 |
| Eighth district | H. H. Carlton | 4,180 |
| Tenth district | G. T. Barnes | 6,145 |
| LOUISIANA. | | |
| Fourth district | N. C. Blanchard | 5,752 |
| Fifth district | C. J. Boatner | 22,154 |
| Sixth district | S. M. Robertson | 4,545 |
| MISSISSIPPI. | | |
| Second district | J. B. Morgan | 2,468 |
| Third district | T. C. Catchings | 14,720 |
| Fourth district | Clarke Lewis | 5,773 |
| Fifth district | C. L. Anderson | 1,570 |
| Sixth district | T. R. Stockdale | 1,327 |
| Seventh district | C. E. Hooker | 6,440 |
| SOUTH CAROLINA. | | |
| First district | Samuel Dibble | 2,236 |
| Second district | G. D. Tillman | 6,643 |
| Third district | J. D. Cothran | 1,210 |
| Fourth district | W. H. Perry | 1,590 |
| Fifth district | J. J. Hemphill | 2,610 |
| Sixth district | G. W. Dargan | 3,296 |
| Seventh district | William Elliott | 24,899 |
| TENNESSEE. | | |
| Tenth district | James Phelan | 3,673 |

SENSITIVE IN ALL THINGS BUT POLITICS.

I presume every one of these gentlemen would resent an aspersion against his personal integrity and honor. Every one of them would protest, and loudly protest, if any charges of unfair dealing or dishonest practice were made against him. Every one of them would hasten to defend himself if his financial or personal honesty was called in question. And yet sensitiveness ends where political chicanery begins. Not a single one of these gentlemen has ever hesitated to receive the benefit of the political frauds and outrages which have been perpetrated in his interests against the people.

Not a single one of them has ever for a moment doubted the propriety of taking and receiving the benefit arising from the most glaring and outrageous frauds upon the ballot-boxes of the country.

Not one of them would for a moment consider the propriety of waylaying and attacking the weak and defenseless. Not one of them would even by implication have it understood that he is participating in the robbery of his fellow-citizens and profiting by their discomfiture, and yet the robberies are committed, the outrages are perpetrated, the defenseless are attacked, the weak are overthrown, and these gentlemen are receiving without question and keeping without objection the usufruct of these assaults upon the rights and liberties of the people.

THE WHITE MEN HAVE TO RULE.

These frauds have extended themselves into every election in these States, county, State, and national.

The minority, with high-handed insolence, have finally thrown off the mask of pretended fairness and announce that the lordly white man alone must rule, and that the ignorant and degraded colored men must be kept in political subjection and dependence forever.

The colored men, upon whose nominal strength thirty of them sit upon this floor, and thirty of them cast their votes in the electoral college, is to have no voice in either the election of Representatives or in the choice of Presidential electors.

NOT IGNORANCE, BUT COLOR, THE LINE DRAWN.

The line of ignorance is drawn not by any test of educational requirement, but by the test of color alone.

The ignorant white man is never so ignorant as to be disqualified by the Democratic rule of political incompetency.

The educated colored man is never so accomplished as to be permitted to exercise the privileges of a citizen.

As a test of ignorance, if the Democratic party should base its hopes of success upon intelligence alone, it would fall far short of triumphal supremacy.

IF IGNORANCE DISQUALIFIES IT SHOULD DISQUALIFY ALL ALIKE.

It is idle to talk of the ignorance of the colored man as a just cause for his political disfranchisement. If ignorance disqualifies it should at the same time disfranchise black ignorance and white ignorance alike.

If the black man is so ignorant as to endanger by his want of intelligence the safety and security of the State or the nation, let the laws of the State or the nation provide for the protection of the people, and let him be stricken from the enumerated list of her citizens entitled to representation, and with him let the ignorant white man be stricken from the list as well.

NOT IGNORANCE, BUT COLOR.

This cry of ignorance but serves to hide the real cause of the difficulty. It is not ignorance which disqualifies him, but color; and that color only serves to disqualify when he claims the right to vote for the party which is in opposition to the Democratic party. A black man in the South is an ignorant negro only when he assumes the right to place himself in antagonism to the white minority. If he is willing to sink his independence and political freedom and register his vote in favor of the Democratic party he becomes a distinguished colored fellow-citizen, and, no matter how dense his ignorance, is prtoteced in his political rights.

You can hear of colored men too ignorant to be permitted to vote at any election for the Republican ticket, but the political history of the country has yet to register a single instance where a colored man has been found too ignorant to be permitted to vote the Democratic ticket. Nor yet has he been found too ignorant to be counted as an important factor in securing for the Democratic party, not only supremacy in this Chamber, but in national affairs as well.

NO DANGER OF NEGRO DOMINATION.

It is useless to talk of negro domination. In this country there are 65,000,000 people—8,800,000 are colored and 56,200,000 of them are white people.

Is this lordly Anglo-Saxon race to be dominated by a mere handful of the descendants of the African?

Is the intelligence of the nineteenth century to be outstripped in the race for conquest by the ignorance which it is claimed is too great to be intrusted for a single moment with political power?

There is not and there can not be danger of negro supremacy in America.

The educated black man at once becomes, by reason of his broader intelligence, an earnest and patriotic defender of our institutions.

IF IGNORANCE IS DANGEROUS, LET US EDUCATE.

If ignorance is the rock of danger, let us erect the light-houses of educational protection.

Let the doorways of our institutions of learning be opened, and the school-houses be builded, that this cloud of ignorance may be dispelled and these millions of new-born freemen be made equal to the dignity and the requirements of American citizens.

NO DANGER OF COLORED SUPREMACY.

The 1,600,000 of colored voters can not, under any condition of affairs, endanger the liberties of the 56,000,000 of whites.

The mere local supremacy of the black man in a portion of the Union can not under any circumstances endanger the overwhelming majority of the whites in the entire country.

It is a more important question to be asked, and if possible to be answered, as to whether a minority of the whites shall longer be permitted to overawe and intimidate not only the colored voters of the country, but also the large majority of the whites themselves.

THE CONTEST ONLY POLITICAL.

The contest is, after all, but a political one between the parties; it is not a question of race domination.

The attempt to force an issue between the whites and blacks and to engender a strife between the races is as unwise as it must prove to be vain and unsuccessful.

COLORED MEN HERE TO STAY.

The negro is here to stay, and he will be a useful and important factor in the development of our great industries and our national advancement.

You can neither legislate him away nor can you drive him beyond the borders of our national domain; he is to the manner born, and he justly claims the right to enjoy the fruits of his labor and the reward of his toil.

THE SOUTH REQUIRES HIS AID.

But, beyond all this, the South demands and requires his aid in the building up of her prosperity and the lifting up of their country from its depressed condition.

His hands are strong and his arms are ready and willing to carry the burdens of her labor. Give him but a fair opportunity, and he will prove himself not a stumbling block in the way of advancement, but a sturdy and substantial help in her march to wealth and power.

Sweep away the pretended antagonisms, which do not exist, and permit him to aid in the development of your country, and he will but add to its growth, grandeur, and greatness.

A WHITE MAN'S PARTY.

The whites have long maintained a white man's party, and into this, by force or persuasion or necessity, have been driven all those who looked for political preferment or desired the advantages of social intercourse; to have stood over upon the other side, or to have allied themselves with the colored voter, meant not only political, but social ostracism. It required, therefore, not only the greatest courage, but the greatest individual independence of thought and the truest heroism, to become a member of any party other than the one controlled in the interest and to the advantage of the white minority.

Every means of chicanery, of fraud, of deception, of threat, of trickery, of outrage, and even of murder, if necessary, has been resorted to to keep this white minority in power, until at last it became known that further efforts of resistance were useless; and hence, almost without opposition, this same minority has been occupying the places of trust in the State and nation, while the great majority of the people upon whose numerical strength these same places were obtained were deprived of all right of choice or expression at the ballot-boxes; and this silent majority of unexercised political power has given us only discontented and unsatisfied protest, and has again and again applied for national protection and defense.

COLORED PEOPLE NOT WARLIKE.

It is known to every one at all familiar with the negro race that they are not an aggressive, warlike people. Brought up under the shadow of one hundred years of bondage, they are a quiet, inoffensive, and docile people, with convictions as strong and affections as lasting as any other people on the face of the earth; yet they are content to await their opportunity rather than with determined effort to assert their personal convictions and to demand their just rights; and hence they have awaited the coming of the dawn of their political, as they awaited in servitude the coming of the dawn of their personal, liberty.

They require leaders and organizers to form them into effective political parties; they require the aggressive force of the white character to be combined with their true and faithful patriotism, to render them a party of unalterable convictions and unconquerable loyalty.

AN ELECTION LAW WOULD DESTROY RACE CONTESTS.

Let Congress pass an election law so guarded by provisions that shall make it absolutely fair and impartial, giving to every man a right to an honest ballot, and the question of white supremacy and negro inferiority passes away forever; it then becomes a race for conquest and political preferment.

The white man who yesterday did not ask for negro assistance, because it could avail him nothing, to-morrow becomes the negro's ally in the political contest that must of necessity result in favor of the party which is able to put the most ballots into the boxes.

The whites who were but yesterday striving to drive away by threats, by fright, by intimidation and murder, the black man from the polls, will to-morrow become his allies and defenders and aid and protect him in the exercise of that political right by means of which they hope to gain power and preferment.

The white who but yesterday was seeking by every means within his power to deprive him of the right to the ballot will be ready to defend him, if need be, in the exercise of that franchise by the means of which and by that only he can himself hope to succeed.

The whites will no longer be on one side and the blacks on the other, but the white who has long believed in the justice of his cause, but who has been restrained by unfortunate surroundings from aiding him in his futile attempts to exercise his rights, and those who appreciate his political power and wish to profit by it, will be ready to join hands with him in this new political millennium of the South.

That this would be the result I have no doubt whatever.

WORDS OF WISDOM FROM HON. MR. CATCHINGS, OF MISSISSIPPI.

The whites and the blacks of the South have long been upon the most friendly terms upon all questions, save upon the question of the right of the negro to exercise the privilege of the ballot.

A distinguished and exceedingly able Democratic member of Congress from Mississippi [Mr. CATCHINGS] has recently borne unwilling testimony to this recognized condition of affairs, and in a private letter written to a friend, which most happily fell into the hands of his political enemies, he says:

> You are mistaken, I think, in your idea that good would come of a general election law. In such an event, I fear that many of the whites would leave us, destroying our solidity and cementing and making effective that of the negroes. I would regard it as a great calamity.

This Democratic leader would regard as a great calamity an election law which would disturb the harmony of that state of affairs which formerly existed, putting the whites all on one side and the blacks on the other, and thus enabling the Democratic party to control the elections in Mississippi by fraud and force and violence, and by preventing the blacks from exercisIng the rights of franchise.

He regards it as a calamity, because it would "destroy the solidity" of the Democratic party, and because it would cement and make effective the negroes.

But, above all, he regards it as a calamity "because many of the whites would leave us," and thus the beginning of the end of the Democratic party would appear, and it would, indeed, be what Hon. Mr. CATCHINGS so aptly terms it, "a great calamity" to the party in the South.

RACE TROUBLES AT FIRST, BUT FINALLY PEACE.

But if it needed more testimony, Hon. Mr. CATCHINGS gives it in his letter, when he further says:

> We would have race collisions at first, but gradually they would be allowed to vote and would capture everything and this would cause them to organize in county and State elections and give us additional trouble. I hope we will never have this law forced upon us.

Could anything be more logical and concise? The result, I have no doubt whatever, would be precisely as Mr. CATCHINGS, with unusual wisdom and foresight, predicts that it would be, and the result of such elections would, there can be no question, be a great calamity to the Democratic party of the South and the whole country, for it would deprive it of the power and supremacy it has held in the nation by reason of its ability to deprive the people of the Southern States of the right to exercise the franchise, and by means of which it has enabled a white minority to control in all, or nearly all, of its elections in that part of the country where a majority of the voters were not in accord with its creeds and doctrines, and were most earnestly opposed to its being intrusted with political power.

THE SOUTHERN STATES WOULD SOON BE REPRESENTED BY WHITES ELECTED BY NEGRO VOTES.

Mr. CATCHINGS has so plainly given us words of wisdom that I deem it proper to quote from him again, so that we may profit by the testimony he has so unintentionally offered, and if possible thus to convey his testimony to the North. He says:

> With coercive election laws nearly all the Southern districts would soon be represented by white men, largely elected by the negro vote, and the negro would be more intense and aggressive than in Virginia, for they would be more numerous.

This, then, is the real reason for Hon. Mr. CATCHINGS's opposition to the enactment of an election law for the whole country. It would disrupt the white minority, it would make white leaders for the blacks, it would enable this new party, organized of the whites and negroes, to become supreme in many districts, and would thus enable them to send delegates to Congress elected by the white and negro vote. I am even informed that so impressed is Hon. Mr. CATCHINGS of the inevitable result of this prediction that he contemplates abandoning Mississippi and finding more congenial quarters in some other State of the Union.

I faithfully believe that the distinguished Representative of Mississippi has borne testimony in this matter most valuable for all, that an election law giving impartial judges, impartial clerks, impartial registrars, and impartial inspectors of election will enable the people to obtain everywhere an opportunity for a fair and impartial expression of their political preferences and their political rights, and when this

is done who can doubt but that the days of Democratic supremacy are ended?

Enact such a law and the days of white supremacy and negro inferiority and subjugation are ended; enact such a law and the South, which has been bowed down in humility and covered with political and financial degradation, will lift her head and start on the march to a new and brighter future.

THE QUESTION OF THE LAWS.

Is there any one so blinded by party prejudice as to openly declare himself opposed to the freedom of the ballot and ready to assert himself as justifying the destruction of the system which recognizes the equality of all men before the law?

Is there any one so foolishly partisan as not to know that the safety of the Government and the liberty of the citizen depend upon the faithful execution of the law, and the submission of every individual member of the Republic to the wise provisions of its Constitution?

Is there any one so ignorant as not to know that the violations of laws and the disregard of constitutional provisions not only endanger the safety of those against whom they would hurl these broken and violated fragments, but endanger alike the property, the rights, and the liberty of every citizen of the Republic?

Is there any one who does not know that the only safe and sure ground upon which all can stand, the rock upon which all can make common defense, and share with equal and exact justice all the blessings of a Republic of the people is the recognized equality of all citizens under our Constitution and before the law?

Let us so legislate that in every section of the land every citizen shall be protected in all his rights and guarantied the broadest freedom consistent with the liberty of all.

IF ELECTIONS ARE HONEST, NO HARM CAN COME FROM AN ELECTION LAW.

If elections are conducted fairly and honestly in the South, if it is true that there is neither race controversy nor race antagonism, if it is true that to every one the right to be not only counted, but also to vote, is accorded in every section of the Southern States, then by no possibility can any harm be done by the passage of an election law.

Under such circumstances such a law will only affirm by universal assent the rights which are already accorded to all the people. But if it is true that the rights of the people are in any manner abridged, if it is true that the people are only enumerated for the purpose of increasing the basis of Southern representation and Federal power, if it is true that by any means the right of those entitled to the ballot "is in any way abridged except for participation in rebellion or other crime," if it is true that the people are denied the right to fair and honest expression of political opinions at the ballot-box, if it is true that outrage and oppression prevail and fraud and violence are supreme, then the necessity for an election law, so framed as to be powerful enough to protect every citizen of the Republic in the exercise of his unabridged constitutional rights, is imperatively demanded of these Representatives of the people.

WHAT THE PEOPLE DEMAND.

What the people of the country demand is that there shall be absolute equality at the ballot-box; that a ballot in Georgia, or Mississippi, or South Carolina shall be the medium through which the people may express their political opinions without fear and without favor. They demand, and they will be content with nothing less, that the ballot shall be the instrument by means of which every citizen of the Republic, clothed with equal power in every section of the land, may share in the rights and liberties as well as in the duties and obligations of the citizen.

They demand equal and exact justice for all the people, and that no method of disfranchisement shall be recognized that is not based upon wisdom, justice, and law, and that is not meted out to all alike.

They demand that the amendments to the Constitution shall be faithfully and impartially observed, and that they shall be executed in the spirit and the letter, until the wisdom of the majority of the people shall, in the method pointed out for their alteration, determine to annul or amend them.

They demand that the people shall be protected in all their rights, and that this Government shall be, and remain for all time, as it was intended to be, and as it was proclaimed by the immortal Lincoln to be, "a government of the people, by the people, and for the people."

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BUTTERWORTH. I rise to make a privileged report from the committee of conference on the disagreeing votes of the two Houses upon the legislative, executive, and judicial appropriation bill. I send the report to the Clerk's desk.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9606) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1891 submit the following written statement in explanation of the effect of the action agreed upon on said amendments as submitted in the accompanying report——

Mr. BRECKINRIDGE, of Kentucky (interrupting the reading). I trust the gentleman from Ohio will permit me to suggest that if he will allow this conference report to be printed in the RECORD and let us take it up at 11 o'clock to-morrow morning it will probably occupy a great deal less time than if we proceed with its consideration now; and time is quite important, for the period allowed for debate upon the pending election bill is very short and ought not to be interfered with except as a matter of necessity. While of course appropriation bills are excepted by the order, the general understanding was that we ought not to encroach upon the consideration of this measure unless there should be a necessity.

Mr. BUTTERWORTH. My friend from Kentucky will observe that there are only two or three days of the fiscal year remaining; and unless we are to pass a resolution extending temporarily the appropriations as made for the current year, which would be a difficult thing to do in this case, this bill ought to be disposed of very speedily; and upon consultation with my associates on the conference committee I thought it proper to submit this report at the present time.

Mr. BRECKINRIDGE, of Kentucky. I would not say what I do if it were not absolutely certain that we shall have to pass such an extending resolution anyhow; we can not get all the appropriation bills in before the beginning of the new fiscal year——

Mr. BUTTERWORTH. Undoubtedly there will be a necessity for such a resolution as to some of the appropriation bills.

Mr. BRECKINRIDGE, of Kentucky. The time given for the matter now under discussion, which is an extremely important matter, is very much restricted; and, unless there is a necessity for presenting this report now, I submit to the gentleman whether it is generous to occupy the time in this way.

Mr. BUTTERWORTH. I take it for granted this bill will be disposed of in a very short time. The items concerning which we disagree are mainly those which appertain to the increase of the force employed by the Senate and the increase of salaries there. There are not many other matters about which I think the House feels greatly concerned. I believe that this report will lead to no general discussion, and I think we can dispose of it in a very short time. I have followed in this matter, as already stated, the suggestions of my associates on the conference committee.

Mr. BRECKINRIDGE, of Kentucky. There were some matters which were cut out in this House on points of order——

Mr. BUTTERWORTH. And which have been restored.

Mr. BRECKINRIDGE, of Kentucky. I am aware they have been restored, and by bringing this matter up now you put those of us who are against those items in an attitude which, to say the least, it is not generous to force us into—either to submit to the adoption of those items without resistance, or to resist them with the understanding that we are occupying time that is important in connection with other matters.

The gentleman knows that the increase in the Attorney-General's force is believed by some of us to be connected with the very measure under discussion to-day, a part of the same scheme. We also do not believe that the increase in the board of review in the Pension Office is a proper thing.

Mr. BUTTERWORTH. That can not be connected with the pending election bill.

Mr. BRECKINRIDGE, of Kentucky. No; but if we are forced into the attitude either of accepting without resistance a conference report which embraces matters that were cut out in the House on points of order, or of resisting this report with the knowledge that we are taking up time which is important in another aspect, I hardly think that is kind or generous, though certainly it is legitimate.

Mr. CANNON. If the gentleman from Ohio [Mr. BUTTERWORTH] will yield a moment, I want to say that when this order with regard to the election bill was made, and afterward when unanimous consent was given that the daily sessions should commence at 11 o'clock, it was expressly understood that these general appropriation bills should come up and be disposed of between the time of the adoption of that order and the 1st of July. It is important that the legislative bill should be disposed of promptly, because the passage of a joint resolution extending the appropriations of the current year would work great confusion in the service of the Government.

I apprehend further that the disposition of the legislative bill will not take a great deal of time. There are not a great many disagreements involved in the conference report; and I think if we get directly at it, we can possibly dispose of the matter upon its merits in less time than will be taken in talking about the propriety of bringing it up.

Mr. BRECKINRIDGE, of Kentucky. There was no unanimous understanding at all. The order was an order adopted by the majority of the House, against the unanimous vote of the Democratic members; and under the order the gentleman has the right to bring up this bill——

Mr. CANNON. Precisely.

Mr. BRECKINRIDGE, of Kentucky. I do not deny the right of the gentleman to do it and to take up as much time as may be necessary to do it.

All I wish to say is that under the circumstances it does not seem to me that it is a generous use of power about a matter which is not of necessity to consume the time which has been allotted to the consideration of the pending measure. Therefore I submit it simply to the

chairman of the committee and the gentleman having the report in charge, with an acknowledgment of their power to call it up if they so desire, with the single purpose of seeing whether the generous courtesy which should characterize such matters would not permit them to allow this report to wait, as I have indicated. And upon that I leave the matter with the House.

Mr. CANNON. Mr. Speaker, I wish again to call the attention of the gentleman from Georgia and the gentleman from Tennessee to my statement, and I think they will confirm it, that not only was this exception made in the special order, but it was thoroughly discussed in the House when agreeing to the special order and to its terms. It was clearly understood then, and distinctly understood, that these bills should have the right of way; and unanimous consent was given to commence the sessions of the House at 11 o'clock with a view of compensating for the time which would probably be taken by such conference reports on general appropriation bills. Hence just such a contingency as this was provided for. It was understood that it might arise, and that provision was made to meet it, and I can not but admire the bland manner in which the gentleman from Kentucky comes forward upon this matter, as he always comes when he comes at all, and seeks in his effective, captivating way, by inference at least, to appeal to the courtesy of the members of the Committee on Appropriations, thereby placing them in the wrong, when as a matter of fact they are in the right. I hope therefore that the conference report will be considered.

Mr. BLAND. If gentlemen on the other side had, as they evidently had, the power to make the special order and power to make this exception to the special order, they had power over the whole matter. This side had no power whatever but to acquiesce in it. We voted against it; and consequently whatever wrong there is about it that side must be alone responsible for.

Mr. CANNON. Oh, the majority of this House have power to do anything.

Mr. BLAND. Certainly; and you seem disposed to do everything and anything right straight along.

Mr. CANNON. If the gentleman from Missouri had been able to exercise that power last week he would have been gratified, I do not doubt.

Mr. BRECKINRIDGE, of Kentucky. I have no disposition to do anything but to leave the disposition of this matter to the Committee on Appropriations. The gentleman from Illinois has made his statement. The House knows the facts; they know that the resolution is to be adopted. But while the majority of the House has power to do anything, as it seems, it has not the power to receive the commendations of those who think there ought to be a certain degree of courtesy in the transaction of the public business accorded to members in the minority.

Mr. CANNON. No possible question of courtesy comes up in this connection except as the gentleman himself chooses to make it. It is not a question of courtesy at all.

Mr. BUTTERWORTH. There is this, Mr. Speaker, to be borne in mind: It appears—I was not present myself when the order was made—that when the allowance of time was fixed for the consideration of the Federal election bill an express provision was made for the reception of conference reports, and in order to meet the time that would probably be occupied in such reports the House agreed by unanimous consent to meet at 11 o'clock. The order itself, therefore, provides for the exception of appropriation bills from its operation and for their consideration.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly.

Mr. BUTTERWORTH. And I will say beyond that that there is no new matter that the committee on conference report; nothing but what was fully discussed in the House.

Mr. HEMPHILL. Well, let us get to the consideration of the report, and not consume all of the time in preliminaries.

Mr. BUTTERWORTH. That is exactly what I want to do. I was simply replying to the criticism of the gentleman from Kentucky and his amiable observations as to what he seemed to regard as a want of courtesy on this side of the House.

The SPEAKER *pro tempore*. The Clerk will read the conference report.

The Clerk proceeded to read the report.

Mr. CANNON. Mr. Speaker, I would suggest to the gentleman from Ohio that unanimous consent be asked to dispense with the reading of the report, and let the statement of the effect of the report be read instead, which will inform gentlemen of the contents of the report.

Mr. BUTTERWORTH. Very well, Mr. Speaker; I will make that request.

Mr. DOCKERY. I hope that will be done.

The SPEAKER *pro tempore*. In the absence of objection, the reading of the report will be omitted.

There was no objection.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 44, 59, 60, 61, 62, 63, 64, 71, 76, 77, 78, 79, 90, 91, 93, 100, 101, 103, 104, 108, 110, 114, 116, 117, 128, 129, 130, 131, 133, 134, 135, 136, 139, 140, 141, 144, 145, 146, 147, 149, 150, 164, 166, 167, 175, 176, 177, 178, 189, 194, 196, 198, 199, 200, 203, 204, 205, 207, and 208.

That the House recede from its disagreement to the amendments of the Senate numbered 40, 41, 42, 47, 48, 50, 51, 53, 56, 57, 72, 73, 74, 75, 82, 89, 92, 94, 95, 97, 98, 102, 106, 107, 109, 115, 118, 120, 121, 122, 123, 124, 125, 138, 142, 143, 148, 155, 156, 160, 161, 162, 168, 169, 170, 171, 172, 173, 174, 179, 201, 216, 217, 218, 219, 220, 221, 226, and 227, and agree to the same.

Amendment numbered 39: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 39, and agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"*Provided:* That hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$117,670;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with amendments as follows: In lieu of the number proposed insert "two;" and insert, after the word "each," on page 17, in line 18 of the bill, the following:

"For an additional Assistant Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of $4,500 per annum, $4,500."

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$181,490;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with amendments as follows: In lieu of the number proposed insert "five;" and on page 52 of the bill, in line 15, strike out "one stenographer" and insert in lieu thereof "two stenographers;" and on same page, in line 16 of the bill, after the word "dollars," insert the word "each;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$108,150;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$154,920;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For an Assistant Secretary of the Navy, to be appointed from civil life, by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of $4,500 per annum, $4,500."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: On page 68, in line 5 of the bill, strike out "thirteen" and insert in lieu thereof "twelve;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,950;" and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,500;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the number proposed insert "2;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,500;" and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119,970;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

Amendments numbered 210, 211, 212, 213, and 214: That the House recede from its disagreement to the amendments of the Senate numbered 210, 211, 212, 213, and 214, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For rent of topographer's office, $1,500; for rent of suitable building or buildings for the use of the money-order office of the Post-Office Department, $8,000; for rent of building for use of the money-order division of the Auditor of the Treasury for the Post-Office Department at the rate of $4,000 per annum until not later than February 1, 1891, $2,334, and the building known as Marini Hall shall be vacated by said division not later than that date; for rent of building for use of said money-order division for balance of the fiscal year, at a rate not exceeding $9,000 per annum, $3,750; for expenses of removal of said division to new location, $800; for rent of a suitable building for the storage of post-office supplies, $4,000; in all, $20,384."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with amendments as follows: In lieu of the number proposed insert "three" and insert after the word "each," on page 85, in line 3 of the bill, the following:

"For an additional Assistant Attorney-General, to be appointed by the President by and with the advice and consent of the Senate, who shall receive a compensation at the rate of $5,000 per annum, $5,000."

And the Senate agree to the same.

On the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 159, and 163 the committee of conference have been unable to agree.

BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
*Managers on the part of the House.*

H. L. DAWES,
P. B. PLUMB,
*Managers on the part of the Senate.*

The SPEAKER *pro tempore*. The Clerk will read the statement accompanying the report.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1891 submit the following written statement in explanation of the effect of the action agreed upon on said amendments, as submitted in the accompanying report:

On the amendment of the House to the amendment of the Senate numbered 39, the Senate agrees to the proposition of the House to provide for an Assistant Official Reporter at $1,000 instead of an Assistant Official Reporter under the Chief Official Reporter at the same salary.

On amendments 40, 41, and 42, provides for an additional assistant librarian in the Library of Congress at $1,200.

On amendments 43 and 44, strikes out proposed increase in the number of clerks of class 3, from two to three, for the Civil Service Commission.

On amendment 45, in lieu of the provision inserted by the House, it is agreed to insert the following:

"*Provided*, That hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was at the time of making such application an actual and bona fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

On amendments 47, 48, and 49: Provides for a clerk to the Secretary of State at $2,000, instead of a stenographer at $1,800, as proposed by the House.

On amendments 50 and 51: Authorizes the purchase of an official carriage for the Secretary of State, and increases the amount for the contingent expenses of the Senate from $4,800, as proposed by the House, to $6,300, as proposed by the Senate.

On amendments 52 and 53: Provides for an additional Assistant Secretary of the Treasury at $4,500, as proposed by the Senate.

On amendments 56 and 57: Provides for six special watchmen in the Treasury Department at $720 each.

On amendments 59 and 60: Strikes out increase of clerks of class 1 from ten to twelve in the Second Comptroller's Office, as proposed by the Senate.

On amendments 61 and 62: Strikes out increase of clerks of class 4 from two to three in the Fourth Auditor's Office, as proposed by the Senate.

On amendments 63 and 64: Strikes out increase of clerks of class 1 from fifteen to seventeen in the redemption division of the Treasurer's Office, as proposed by the Senate.

On amendment 71: Restores the provisions of the House that certain employés in the office of the Light-House Board shall be paid from the appropriations for the Light-House Establishment, instead of making a direct appropriation therefor, as proposed by the Senate.

On amendments 72 and 73: Increases the salary of the chief clerk of the Bureau of Statistics from $2,000 to $2,250, as proposed by the Senate.

On amendment 74: Increases the amount for collection of facts relative to the internal and foreign commerce from $1,000 to $1,500, as proposed by the Senate.

On amendment 75: Appropriates $1,500 for the construction of standard gallons and their subdivisions for the use of the States and Territories which have not received the same.

On amendment 76: Appropriates for stationery for the Treasury Department $28,000, as proposed by the House, instead of $20,000, as proposed by the Senate.

On amendment 77: Appropriates $700, as proposed by the House, instead of $1,000, as proposed by the Senate, for the investigation of accounts and records under the Treasury Department.

On amendment 78: Appropriates $6,500, as proposed by the House, instead of $5,500, as proposed by the Senate, for purchase of carpets, etc., for the Treasury Department.

On amendment 79: Appropriates $10,000, as proposed by the House, instead of $9,000, as proposed by the Senate, for the purchase of articles of furniture for the use of the Treasury Department.

On amendment 82: Appropriates $1,800,000, as proposed by the Senate, instead of $1,750,000, as proposed by the House, for the salaries and expenses of collectors and deputy collectors of internal revenue.

On amendments 85, 86, and 87: Provides for one clerk at $1,400 and one clerk at $1,200, additional to the number proposed by the House, in the office of the assistant treasurer at New York.

On amendment 89: Reappropriates the unexpended balance of the appropriation for 1890 for the compensation of special agents to examine the books, accounts, etc., of the several subtreasuries.

On amendment 90: Appropriates $30,000, as proposed by the House, instead of $60,000, as proposed by the Senate, for wages of workmen in the mint at Carson City, Nev.

On amendment 91: Appropriates $12,500, as proposed by the House, instead of $25,000, as proposed by the Senate, for contingent expenses of the mint at Carson City, Nev.

On amendment 92: Appropriates $6,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for contingent expenses of the mint at Denver, Colo.

On amendment 93: Appropriates $80,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for contingent expenses of the mint at Philadelphia.

On amendment 94: Appropriates $7,500, as proposed by the Senate, instead of $6,000, as proposed by the House, for contingent expenses of the assay office at Boisé City, Idaho.

On amendment 95: Appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for contingent expenses of the assay office at Helena, Mont.

On amendments 97 and 98: Provides for six deputy marshals, as proposed by the Senate, for the Territory of Alaska, instead of four, as proposed by the House, at $750 each.

On amendments 100 and 101: Strikes out proposed increase by the Senate of one associate judge for the Territory of Arizona.

On amendment 102: Appropriates $1,000, as proposed by the Senate, for legislative expenses of the Territory of Idaho.

On amendments 103 and 104: Strikes out proposed increase by the Senate of one associate judge for the Territory of New Mexico.

On amendments 106 and 107: Appropriates $2,100 for legislative expenses and $1,500 for contingent expenses of the Territory of Oklahoma, as proposed by the Senate.

On amendment 108: Appropriates $500, as proposed by the House, instead of $1,000, as proposed by the Senate, for contingent expenses of the Territory of Utah.

On amendment 109: Appropriates $1,000 for legislative expenses of the Territory of Wyoming, as proposed by the Senate.

On amendments 110, 111, and 112: Appropriates for three chiefs of division at $2,000, as proposed by the House, instead of four, as proposed by the Senate, and for one additional stenographer at $1,800, instead of one additional clerk of class 4, as proposed by the Senate, in the office of the Secretary of War.

On amendments 114, 115, 116, 117, 118, and 119: In lieu of the increase in the force in the Signal Office proposed by the Senate, provides for one additional watchman at $720 and one additional char-woman at $240.

On amendment 120: Provides that certain printing for the office of the Surgeon-General may be done in the office of the Adjutant-General or the Chief of Ordnance.

On amendment 121: Authorizes the employment of civil engineers in the office of the Chief of Engineers of the War Department, as proposed by the Senate.

On amendments 122, 123, 124, and 125: In addition to the force authorized by the House in the office of Records of the Rebellion, provides for the following additional employés, as proposed by the Senate, namely: One clerk of class 4, one clerk of class 2, and one pressman and compositor at $1,200.

On amendment 128: Appropriates $25,000 for stationery for the War Department, as proposed by the House, instead of $30,000, as proposed by the Senate.

On amendments 129, 130, and 131: Strikes out increase in rent for the Rebellion Records Office from $1,200 to $3,000, as proposed by the Senate, and $150 for expenses of removal of that office.

On amendment 133: Strikes out provision proposed by the Senate for one night watchman in Garfield Park at $720

On amendments 134, 135, and 136: Strikes out provision proposed by the Senate for four leading char-women, at $300 each, in the State, War, and Navy building.

On amendments 137 and 138: Provides for an Assistant Secretary of the Navy at $4,500, as proposed by the Senate.

On amendments 139 and 140: Strikes out proposed increase of one clerk of class 4 in the Bureau of Navigation, Navy Department, as proposed by the Senate.

On amendment 141: Appropriates $30,000, as proposed by the House, instead of $35,000, as proposed by the Senate, for miscellaneous expenses in the Hydrographic Office.

On amendments 142, 143, and 144: Provides for the establishment of branch offices of the Hydrographic Office at Portland, Me., and Chicago, Ill., as proposed by the Senate, and appropriates $12,000, as proposed by the House, instead of $18,000, as proposed by the Senate, for contingent expenses of all the branch offices.

On amendments 145, 146, and 147: Strikes out increase proposed by the Senate in the Bureau of Equipment and Recruiting, Navy Department, of one clerk of class 3 and one clerk of class 1.

On amendment 148: Appropriates $1,000 as proposed by the Senate for rent of building for the Nautical Almanac Office.

On amendments 149 and 150: Strikes out increase proposed by the Senate of one assistant librarian at $1,200 and one copyist at $720 in the Naval Observatory.

On amendments 155 and 156: Provides for nine members of the board of pension appeals at $2,000 each in the office of the Secretary of the Interior, as proposed by the Senate.

On amendments 157 and 158: Provides for a reporter of land decisions at $2,250, as proposed by the Senate, in the Interior Department, and reduces the number of law clerks at $2,000 from thirteen to twelve.

On amendments 160, 161, and 162: Provides, as proposed by the Senate, in the General Land Office for three principal clerks at $2,000 each, and eight chiefs of division at $2,000 each, and for a reduction of clerks of class 4 from forty to thirty-two.

On amendment 164: Provides that of the United States maps prepared in the General Land Office 1,000 copies thereof shall be retained in the office as proposed by the House, instead of 2,500 as proposed by the Senate.

On amendments 166 and 167: Provides for eighteen medical examiners at $1,800 each in the Pension Office, as proposed by the House, instead of thirty-six as proposed by the Senate.

On amendments 168 and 169: Increases the salary of thirty principal examiners in the Patent Office from $2,400 to $2,500 as proposed by the Senate.

On amendments 170, 171, 172, 173, and 174: Provides, as proposed by the Senate, for one specialist in foreign educational systems at $1,800 in the Bureau of Education, and increases the amount for collecting statistics from $2,500 to $3,000.

On amendment 175: Appropriates $75,000 as proposed by the House, instead of $90,000 as proposed by the Senate, for contingent expenses of the Interior Department.

On amendment 176: Appropriates $50,000 as proposed by the House, instead of $70,000 as proposed by the Senate, for stationery for the Interior Department.

On amendments 177 and 178: Appropriates $4,000 as proposed by the House, instead of $5,000 as proposed by the Senate, for rent of building for the Bureau of Education, and $5,500 as proposed by the House, instead of $6,000 as proposed by the Senate, for rent of building for the Indian Office.

On amendments 179 and 180: Appropriates $2,000 as proposed by the Senate, instead of $1,500 as proposed by the House, for rent of building for the General Land Office.

On amendments 181 and 182: Appropriates $5,000 for clerks in the surveyor-general's office of North Dakota, instead of $3,500 as proposed by the House and $7,000 as proposed by the Senate.

On amendments 183 and 184: Appropriates $7,500 for clerks in the surveyor-general's office of South Dakota, instead of $3,500 as proposed by the House and $13,700 as proposed by the Senate.

On amendments 185 and 186: Appropriates $2,000 for clerks in the surveyor-general's office of Idaho, instead of $1,500 as proposed by the House and $3,000 as proposed by the Senate.

On amendments 187 and 188: Appropriates $7,000 for clerks in the surveyor-general's office of Montana, instead of $6,000 as proposed by the House and $9,000 as proposed by the Senate.

On amendment 189: Appropriates $2,000 as proposed by the House, instead of $2,500 as proposed by the Senate, for rent and contingent expenses of the surveyor-general's office of Montana.

On amendments 190 and 191: Appropriates $2,000 for the salary of the surveyor-general of Oregon, instead of $1,800 as proposed by the House and $2,500 as proposed by the Senate.

On amendments 192 and 193: Appropriates $7,500 for the clerks in the surveyor-general's office of Washington, instead of $5,500 as proposed by the House and $10,500 as proposed by the Senate.

On amendment 194: Strikes out provision proposed by the Senate for twenty temporary clerks in the Post-Office Department to tabulate the returns from all post-offices of a general count of the several classes of mail matter for one week.

On amendments 195, 196, and 197: Of the increase in the force proposed by the Senate in the office of the Assistant Attorney-General for the Post-Office Department, provides only for one additional clerk of class 1.

On amendments 198 and 199: Strikes out increase proposed by the Senate in the salary of the chief of the salary and allowance division from $2,200 to $2,500.

On amendments 200, 201, and 202: Of the increase of the force of the Third Assistant Postmaster-General proposed by the Senate, provides only for one clerk additional of class 2.

On amendments 203 and 204: Strikes out increase proposed by the Senate of two additional firemen, at $720 each, for the Post-Office Department.

On amendment 205: Makes verbal correction in the title of the appropriations for contingent expenses of the Post-Office Department.

On amendment 206: Appropriates $12,000 for stationery for the Post-Office Department, instead of $11,000 as proposed by the House and $20,000 as proposed by the Senate.

On amendment 207: Appropriates $3,000 as proposed by the House, instead of $4,000 as proposed by the Senate, for carpets and matting for the Post-Office Department.

On amendment 208: Appropriates $3,000 as proposed by the House, instead of $4,000 as proposed by the Senate, for furniture for the Post-Office Department.

On amendments 210, 211, 212, 213, and 214: Provides for the rent of the Marini Hall building for the use of the money-order division of the Sixth Auditor's Office until February 1, 1891, and requires that that building shall be vacated not later than that date by the said division; appropriates at the rate of $9,000 per annum for another building for the said division for the balance of the fiscal year, and $800 for the expenses of the removal of the office; and appropriates $4,000, instead of $3,000 as proposed by the House and $5,000 proposed by the Senate, for rent of building for post-office supplies.

On amendments 215, 216, 217, 218, 219, 220, and 221, as proposed by the Senate: Appropriates in the Department of Justice for one additional Assistant Attorney-General at $5,000; increases the salary of the chief clerk of that Department from $2,200 to $2,500, and the salary of the clerk in charge of pardons from $2,000 to $2,400.

On amendment 226: Increases the amount for foreign postage for the Department of Labor from $200 to $250 as proposed by the Senate.

On amendment 227: Appropriates $5,000, as proposed by the Senate, for the investigation of and report upon the various industrial school systems and also technical school systems of the United States and foreign countries by the Department of Labor.

On amendments 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 159, and 163, relating to the proposed increase in the number of employés in the Senate, and the increase in the compensation of certain employés in that body, and the proposed increase in certain items of the contingent expenses of the Senate, and the proposed increase in the salary of the Commissioner of the General Land Office from $4,000 to $5,000, and of the Assistant Commissioner of the General Land Office from $3,000 to $3,500, the committee of conference have been unable to agree.

The bill as it passed the House appropriated $20,842,446.75. As it passed the Senate it appropriated $21,338,768.75, being an increase by the Senate of $496,322. This sum has been reduced $228,246, so far as the Senate amendments have been agreed upon by the conference committee, the House yielding $160,498, and leaving $107,578 in dispute on the amendments upon which the conference committee are unable to agree.

BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
*Managers on the part of the House.*

Mr. DUNNELL. Mr. Speaker, I desire to ask the gentleman from Ohio, who has this bill in charge, one or two questions. I came into the Hall while that part of the report was being read which relates to the amount of money appropriated for the land offices in the new States and I was struck with the large difference between the amounts named in the original bill by the House and the increases made by the Senate. I would like to know how it happens, if the House made the bill upon recommendations from the Department, that the Senate can find any justification for such large increase as appears—in one instance 100 per cent. I have assumed that the Committee on Appropriations made the original bill upon the estimates coming from the Interior Department.

Mr. BUTTERWORTH. I would say to my friend that the bill was made upon the estimates submitted and the information obtained by the Appropriations Committee touching the necessities which existed for making the appropriations. The House did not make as full an appropriation as was asked by the Commissioner of Public Lands. The Senate increased the amount appropriated very considerably, and on a full conference, in the presence of additional testimony touching the necessity for it, an increase was made. While we were not clear that such an increase as demanded ought to be made, nevertheless we acceded to the demands of the Land Office and reached a conclusion satisfactory, at least to the conferees, as to the increased amount.

There is a question as to whether there is a fund in the several land offices available for continuing surveys resulting from the old deposit system.

In some instances that fund has been completely exhausted. In others it has not been wholly exhausted, and we have made these appropriations and fixed these amounts with reference to the work to be done and the practicability of doing it and completing it. There are several branches to these surveys, as my friend is aware. First, the lines which are run, the original base lines, memoranda of courses and distances, etc., gathered together, and that must be approved by an agent who goes upon the ground, and then the work is submitted for a revision and for platting. I can only say, in summing up, that after a careful review of every fact that ought to have any influence in fixing the amount, we agreed upon the amounts as set forth in this report, doubling in one or two instances, as my friend has said, the amount allowed.

Mr. DUNNELL. It seems to me, Mr. Speaker, there must have been a great deal of guess-work on the part of heads of Departments that came before the committee of the House. I think the committee of the House does not preserve its dignity or its character in making an appropriation for specific and well-known expenses of the Government, estimated and reported in the Book of Estimates, and then be compelled to back down and accept Senate amendments that ought not to be passed, upon no better evidence than came to the House committee originally.

Mr. BUTTERWORTH. I can only say in response to my friend that it is always well to back down, and to back down gracefully, when we find we ought to do so. And it often occurs, sometimes from the persistency of the Department and sometimes through additional evidence which we did not have as to the amount of the fund which was available. We are sometimes misled here as to that. And when we find that we have fallen into an error we ought to correct it.

Mr. DOCKERY. We on this side of the House did not hear what the issue was between the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Minnesota [Mr. DUNNELL].

Mr. BUTTERWORTH. My honored friend from Minnesota [Mr. DUNNELL] asked why we increased the appropriation for the Land Department so largely—that is, for surveying the public lands.

Mr. DUNNELL. That is, so largely over the amount originally appropriated.

Mr. BUTTERWORTH. So largely over the amount reported in the bill originally, and my friend wanted to know if there was any new fact or new evidence presented to the Senate, which came to our attention subsequently, which induced us to allow the increased amount.

Mr. DOCKERY. So I understand my friend to say that the amount for surveys is increased over the estimate?

Mr. BUTTERWORTH. Not over the estimates, but over the amount originally in the bill.

Mr. SAYERS. Will my friend allow me to ask him a question? I notice that in the report the amendment which was put upon the bill in the House in regard to applicants for examination before the Civil Service Commission has been somewhat changed. The question which I wish to ask the gentleman from Ohio [Mr. BUTTERWORTH] is this: Under the agreement between the conferees of the Senate and the House, is it true that the applicants for certificates within the Departments in the District of Columbia alone come under the operation of the rule?

Mr. BUTTERWORTH. We find that the main complaint, in fact probably the only complaint, has resulted from the fact that persons were constantly employed claiming to be from one State when in point of fact they were not from that State and possibly never saw that State, and the result not only breeding confusion, but committing a fraud upon the citizens of the State from which these persons not having the right yet nevertheless pretend to hail, and that trouble arises only in

reference to appointments made in the District of Columbia. At least that was our information. We looked into that matter quite fully, and we only modified the amendment which was presented by my friend in order to make it specific. We have not in any wise diluted it nor made it less effective. I yield to my friend from Alabama [Mr. FORNEY].

Mr. FORNEY. Mr. Speaker, there is no very great change in this bill. The Senate increased it some $496,000, and they have receded $228,000. The House has yielded to $160,000, and there is still unsettled $107,000, which relates principally to the employés of the Senate. Now, the only increases of any importance that the House yielded to were the appointment of an Assistant Secretary of the Navy, and also an Assistant Secretary of the Treasury and an Assistant Attorney-General and nine members of the board of pension review.

Mr. BRECKINRIDGE, of Kentucky. Will my friend allow me to ask him why did the House yield to an Assistant Secretary of the Navy? None has been appointed yet by law.

Mr. FORNEY. This bill appoints him by law. The Senate passed it and we acceded to the amendment, and this bill appoints him.

Mr. BRECKINRIDGE, of Kentucky. Creates the position?

Mr. FORNEY. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. You admit the creation of the position?

Mr. FORNEY. Yes; the Senate added it. We did not have the power to do so, but the Senate added it and the House concurred in it. Now, there has been an increase in the Surveyor-General's Office. The only increase in the Surveyor-General's Office is about $9,000, and it goes principally to North and South Dakota, Minnesota, Washington, and Idaho. That increase is for the officers in the Surveyor-General's Office, and those are about all the increases there are in this bill. There is still in dispute $107,000. The principal increase, as I said, is the increase of nine members of the board of pensions.

Mr. DOCKERY. Mr. Speaker, for one, as an individual member, I can not agree to this report, for the reason that it creates an Assistant Secretary of the Navy, at a salary of $4,500; an Assistant Secretary of the Treasury, at a salary of $4,500, and an Assistant Attorney-General, at a salary of $5,000. It also increases the salary of the chief clerk of the Department of Justice from $2,200 to $2,500, and makes other increases in the clerical force of that bureau that I will not now stop to enumerate. It provides for nine members of the board of pension appeals, which, in my judgment, is a number in excess of the real demands of that service. But one of my principal objections to this conference report is the fact that the conferees have receded—and I very much regret that they should have done so without instructions from the House—from the House amendment in respect to the salaries of the principal examiners of the Patent Office.

Now, Mr. Speaker, it seems to me that our friends are really subject to criticism in respect to this item, because, after a free and full discussion, the House by a vote of 71 to 44 struck down the salaries from $2,500 to $2,400, continuing them at the rate which has obtained since the memorable Forty-fourth Congress. I do not believe that the conferees ought to have agreed to that increase of the Senate unless directed to do so by a vote of the House.

Another objection I have to this report—and I shall merely state my objections, and not occupy the time of the House in elaborating them—is the appropriation in general and indefinite terms of $70,500 for the mints and assay offices of the country. The Senate very properly appropriated this sum of $70,500 as a specific amount, but it seems that the Senate has receded on the demand of the majority of the House conferees. The effect of this recession is that the bill carries $70,500 less on its face than it ought to carry, but which in fact it does carry though not named in specific terms. Yet another objection, Mr. Speaker, to the bill is that it increases the salary of the three principal clerks of the Land Office from $1,800 to $2,000, whilst at the same time providing eight chiefs of division in the Land Office at the same salary.

Mr. FORNEY. The only increase there is an increase of their salaries. They are already chiefs of division in fact, but without that name, and this increases their salaries $200 each.

Mr. DOCKERY. Yes; but they are now carried as clerks of class 4 at a salary of $1,800, and this makes them chiefs of divison at $2,000. Three principal examiners, as I stated, are provided for at a salary of $2,000 each.

Mr. FORNEY. Principal clerks.

Mr. DOCKERY. Very well; but the effect of this change is to take these officers without the purview of the civil service.

Mr. FORNEY. There were out of that before.

Mr. BRECKINRIDGE, of Kentucky. Oh, no.

Mr. DOCKERY. Three of them only—the three principal clerks.

Mr. BUTTERWORTH. We recommended the appointment of these chiefs of division in the Land Office but they went out on a point of order when the bill was under consideration in the House. The Senate inserted it again, and we concur in the amendment of the Senate.

Mr. BRECKINRIDGE, of Kentucky. The majority of the Committee on Appropriations recommended it in the bill, but some of the minority rose and objected, and it went out on a point of order.

Mr. BUTTERWORTH. Yes.

Mr. BRECKINRIDGE, of Kentucky. Now, I want to submit two suggestions in the matter. The first is that, without saying it in any sense except with the utmost respect, it is one of the things which is not entirely, it seems to me, in keeping with the dignity of the House, that when a matter is put in the hands of the conferees they should be vigilant and quick to agree to a provision put in by the Senate which the House had stricken out, as this was stricken out.

Mr. BUTTERWORTH. On a point of order.

Mr. BRECKINRIDGE, of Kentucky. It leaves upon it a flavor that it was put back in the Senate not altogether without the knowledge or without information to gentlemen on that side of the House. The objection is one which applies to this bill and a good deal of other legislation. It is an appointment of officers outside of the civil-service laws by which indirectly the civil-service law is impaired, when the House will not repeal it directly, and that under the leadership of gentlemen who are exceedingly forcible and exceedingly eloquent in advocating the civil-service law when it is directly attacked. Indirectly it takes these officers from under the provisions of the civil-service law and impairs the civil-service law that much; but it also impairs the relations of the House to the Senate by letting it be understood in the Senate that these matters which are cut out under the rules of the House if put in by the Senate will be agreed upon by the House.

Mr. BUTTERWORTH. I will say to my friend that these divisions of the Land Office are all organized and have been for a long time. There is no question, and I think my friend will not question, that there ought to be an authoritative head in each division. Without some one of rank and authority to speak to them they stand on the same plane with fifty or one hundred; and without any executive head it does not work as smoothly nor is the administration as successful as it would be otherwise. These men are simply discharging the duties that appertain to their positions, and have an additional rank and a slight additional pay given them. The propriety of it was impressed upon the committee originally when they reported the bill, and they believed it was in the interest of economy and proper administration. There was some opposition on the part of the minority in the committee, and of course when the point of order was made it was ruled out by the occupant of the chair on the ground that it was obnoxious to the twenty-first rule.

Mr. BRECKINRIDGE, of Kentucky. Now, my friend will bear in mind that this is not a new proposition. It was made in the Forty-ninth and in the Fiftieth Congresses, but failed in both. It was renewed in the Fifty-first Congress, and passed in the committee, brought into the House, and was defeated in the House. The House therefore instructed the conferees, so far as it could be done, and the conferees should not have receded without further instructions from the House. Now, the smallness of the salary is just sufficient to take these officers from under the civil service and put them outside of it. The matter is not, therefore, insignificant, because it is giving to the chief of that division or department the political power of appointing nine persons where before he did not have it, or rather five persons, for I believe there were three or four that he had the appointment of before.

Mr. BUTTERWORTH. I should say to my friend that we looked into that matter and that we would not have recommended it for the purpose he intimates, nor would it have been recommended at all, as we understood, if the appointees were to be brought in from outside; but they had the men already designated and well-fitted by long experience for the discharge of the duties; so in point of fact this opens no places for appointment, because, these men being promoted, their places will be filled under the civil-service law.

Mr. BRECKINRIDGE, of Kentucky. I do not mean to say that this was done for the purpose of taking them outside the operation of law. What I do mean to say is, that it accomplishes that end, that it does take them out, and that it takes them out at a time and under circumstances which do not require this change any more than it was required in the Forty-ninth and the Fiftieth Congresses, which refused to make it; and the change is now made when the party in power has the Executive and both branches of Congress, so as to get the benefit of the change.

Mr. BUTTERWORTH. Our friends over there should remember that "all things come to those who wait." [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Yes; and they do not wait any longer than the minute when they have the power to change the law so as to get what they want. [Laughter.]

Mr. BUTTERWORTH. I do not think my friend will say that this arrangement is not a wise one.

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to say that it is a wise one. I am not prepared to say that the increase of rank and pay of an officer without changing the duties of the office is not an improper step. When you do not enlarge the duties, or increase the responsibility, or place upon the man any additional burden, I think this is an unwise precedent in a Government that employs as many persons as ours does, with our divisions and limitations. I think it is unwise to establish such a precedent, so that every other person holding an office can come to us and say: "You did this for that particular division, now why can not you do it for us?" So that, on the princi-

ple involved, I was opposed to the proposition in both the Forty-ninth and the Fiftieth Congresses, even without regard to the civil-service law.

Now, Mr. Speaker, I want to call the attention of my friend also to the board of pensions, which stands in the same way. The board of pensions, which was created by an order of the Executive Department and then legalized by an appropriation bill, was reduced, when the present Administration came into power, from nine to three members. The business of the Pension Office was then as large as it is now. The reasons for having nine were about as great then as now, but by adopting that course they could get rid of a certain number and consolidate the pension-appeal courts. This House, on the judgment of the Chair, held that it was not in order to increase those offices; but the Senate has put the provision back precisely as we had it in our bill when it came from the committee, and has put it back under such circumstances as to raise a slight suspicion that perhaps it was done with some sort of belief that it would be agreed to by the House. Now, the creation of the offices is exactly the same as in the other case. It puts these offices outside of the civil-service law and gives the filling of them to the officer in charge.

Mr. BUTTERWORTH. That is true; but my friend is aware that the House did not vote that this increase of pension examiners ought not to be allowed; but, the point of order being made, the provision went out on that point of order. It was not, therefore, the judgment of the House that these officials should not be appointed, but the Chair ruled that whether they should be appointed or not, the manner of providing for the appointment was obnoxious to the rule.

Mr. BRECKINRIDGE, of Kentucky. But my friend will remember that on this side of the House, so far as we could, we tendered to the gentleman an offer to increase the clerical force of that Department by giving a number of clerks of class 4 at $1,800 salary; so that the Secretary of the Interior should have the power, if he thought fit, to have a flexible court and to detail men for that purpose. This would have brought these appointments under the civil-service law. My friend declined that; and therefore I say that, taking everything into consideration, it looks as if the rules of the House were to be, in a manner not altogether unpremeditated, gotten around for the purpose of accomplishing this end.

Before closing I just want to call attention to the increase provided for an Assistant Attorney-General. I looked into that matter with a good deal of care, and my judgment was that it was not needed in the present condition of the business of the Attorney-General's Office, and I submit the observation to the House, leaving it to the future to verify the prediction, that one of the purposes involved in the increase in that whole Department is connected with the desire to pass the election bill which is now being debated in the House. I say this in the light of a good many other things that have been done since we met here this session, the counting of a quorum in a way in which it was never counted before, the adoption of certain rules, the increase in the power of the judiciary, the taking away of some of the circuit judges so as to leave certain officers to be appointed by the district judges, and the increase in the Attorney-General's Office, an increase which ought not to be made.

Now, I want to call attention to one other matter. There are thirty-six medical examiners provided for in this bill——

A MEMBER. That has been struck out.

Mr. BRECKINRIDGE, of Kentucky. Has that been struck out? I could not tell from the reading.

Mr. BUTTERWORTH. We struck out the increase as to that matter, and the Senate receded.

Mr. BRECKINRIDGE, of Kentucky. Then the matter stands in this way, as I understand: The House passed, under a suspension of the rules, a bill increasing the force of medical examiners in the Pension Bureau; and the additional officers were exempted from the operation of the civil-service law because when the bill was being passed here under whip and spur it was stated there was a large number of applicants whose applications required immediate decision, and that the bureau ought not to be compelled to go on with an insufficient force while awaiting the tardy decision upon the qualifications of applicants under the civil-service law. The bill went to the Senate, where a clause was inserted bringing these additional officers under the operation of the civil-service law, and from that day to this I believe we have never heard anything further in regard to that measure.

Mr. BUTTERWORTH. Mr. Speaker, I will refer in the first place to the last statement of my friend from Kentucky. As to why we did not make this increase in the number of examiners in the Pension Office, my friend is aware that we have just passed a bill which will increase very largely the work of that office; and the conference committee decided that when the increase is made it should be made with reference to the work to be done, and should be provided for in a separate bill. At present we are unable to determine as to the required number. We went over the ground and we struck out this provision, not because of any determination that the officers were not needed or would not be needed, but because, upon the information we had, the bill I have referred to having just passed, we laid the question aside in order that provision might be made for the appointment of such a number of officers as might be commensurate with the work to be done.

Now, touching the other matter embraced in the remarks of my friend from Kentucky, it is due to the Attorney-General and to the administration of the Department of Justice that I should say my friend is quite in error in supposing that this additional Assistant Attorney-General is provided for with reference to any legislation except such as has been upon the statute-book for six months or a year.

Mr. DOCKERY. Is it not due also to say that there is a larger increase of force in the Attorney-General's Department than in any other Department of the Government?

Mr. BUTTERWORTH. That may or may not be so. But the question is, not whether there have been large increases, but does the public service require that such increases as are proposed should be made? We are loading the dockets of our courts every day with cases of great consequence to the Government, involving large sums of money; and investigation satisfied us that attorneys of at least fair ability should be employed to represent the Government in contesting those cases, which look to a pretty rapid depletion of the Treasury.

Mr. CANNON. If the gentleman from Ohio [Mr. BUTTERWORTH] will yield to me for a moment I wish to say in reply to the suggestion of the gentleman from Missouri [Mr. DOCKERY] that instead of there being a large increase in the Attorney-General's Office there is an increase of only one officer—an additional Assistant Attorney-General.

Mr. BUTTERWORTH. I supposed that my friend from Missouri spoke by the card when he said that there had been a large increase. I did not recall any such increase; but presuming that he had looked into the matter and spoke advisedly, I took it for granted such might be the fact.

But I never concern myself with any question as to whether a measure which I believe is necessary involves an increase of force in any Department of the Government. I am willing to line Pennsylvania avenue with officers of this Government, if their employment is necessary to conduct the business of the Government. I think that in our legislation here too much regard is often paid to the mere question of the number of officers, without properly considering what may be the requirements of the Government. What we should seek is to have the business of the Government properly conducted, whether in the particular case it takes ten men or a hundred. But it appears, as my colleague, the chairman of the Committee on Appropriations, suggests, the increase in this case involves the employment of only one new officer, and this was provided for with reference to immediate public requirement.

I do not remember whether there was any other matter to which my friend from Kentucky referred.

Mr. BRECKINRIDGE, of Kentucky. That is all.

Mr. BUTTERWORTH. There is one other subject on which I wish to say a word. We have deemed it proper that the sense of the House should be taken as to whether the salary of the Commissioner of Public Lands should be increased or not. My friend from Illinois [Mr. PAYSON] desires to call the attention of the House to that question.

Mr. CANNON. Before that question is taken up allow me a suggestion. It is important we should finish the consideration of this report this evening, so that the matter may go into further conference, if the House should so decide. It is now five minutes of 5 o'clock. I suggest that my friend from Ohio ask unanimous consent to extend the session until this matter is disposed of; otherwise we must take a recess at 5 o'clock under the standing order.

Mr. BRECKINRIDGE, of Kentucky. I suggest that the session be extended until half past 5 o'clock.

Mr. CANNON. Until we finish the conference report.

Mr. BRECKINRIDGE, of Kentucky. Not only until we finish the report, but there may be some gentlemen who desire to occupy a little further time this afternoon in discussing the election bill.

Mr. BUTTERWORTH. I will ask consent that the standing order of the House be so modified as to extend the present session until half past 5 o'clock.

Mr. CANNON. Or until this conference report be finished.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent that the time for the recess be extended until half past 5 o'clock, or until the consideration of this report be finished. Is there objection? The Chair hears none.

Mr. DOCKERY. The chairman of the Committee on Appropriations [Mr. CANNON] is in error in his statement of a few moments ago. In the bill as passed by the House the force in the Department of Justice was increased by providing for seven additional officers; and in this report there is a further increase of one officer, so that the increase in the Department is from 101 employés to 109.

Mr. BUTTERWORTH. The seven additional officers are clerks; I supposed my colleague on the committee referred to attorneys. I yield to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, I desire to call attention to Senate amendment number 159, line 14, page 68. It is an amendment by the Senate increasing the salary of the Commissioner of the General Land Office from $4,000 to $5,000, and the salary of the Assistant Commissioner from $3,000 to $3,500. And I move that the House concur in the Senate amendment.

Mr. BUTTERWORTH. I desire to say with reference to that motion, Mr. Speaker——

Mr. CANNON. I would suggest to the gentleman from Ohio that we first adopt the report of the conference committee, and then on the motion to non-concur the gentleman from Illinois can again make his motion to concur in the amendment to which he refers. But let us have the report adopted first.

Mr. PAYSON. I have no objection to that course, and for the present I withdraw the motion, reserving the right to renew and press it.

Mr. BUTTERWORTH. Then I move the adoption of the conference report.

The conference report was adopted.

The SPEAKER *pro tempore*. What motion does the gentleman from Ohio now submit?

Mr. BUTTERWORTH. I understand my friend from Illinois has made a motion to concur in one of the amendments of the Senate.

Mr. PAYSON. I withdrew that temporarily until the formal matters could be disposed of.

Mr. BUTTERWORTH. Does the gentleman desire now to renew it?

Mr. PAYSON. Mr. Speaker, as it is now in order, I renew the motion to concur in the amendment of the Senate to which I have referred.

The SPEAKER *pro tempore*. Will the gentleman state the number of the amendment?

Mr. PAYSON. No. 159.

Mr. DOCKERY. What is the purport of the amendment? I ask that it be read by the Clerk for the information of the House.

The Clerk read as follows:

Page 68, line 14, strike out all after "office" down to and including "dollars" in line 40, and insert:

"For the Commissioner of the General Land Office, $5,000; one Assistant Commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such duties as may be directed by the Commissioner, and who shall act as Commissioner in the absence of that officer, or in case of a vacancy in the office of the Commissioner, $3,500."

Mr. PAYSON. Mr. Speaker, under the existing law the Commissioner of the General Land Office has a salary of $4,000 a year and the Assistant Commissioner a salary of $3,000 a year. The Senate amendment increases the salary of the Commissioner $1,000, making it $5,000, and $500 additional for the Assistant Commissioner, making his salary $3,500 a year.

Mr. DOCKERY. That is the Senate amendment; and your motion is to concur?

Mr. PAYSON. Yes, sir.

Mr. DOCKERY. When was the salary of the Commissioner of the General Land Office fixed at $4,000?

Mr. PAYSON. Ever since I have been in public life, but I am not able to give the gentleman the date of the law fixing that as the salary.

Mr. DOCKERY. And it is proposed now to increase it $1,000?

Mr. PAYSON. Exactly.

Mr. DOCKERY. And the Assistant Commissioner $500?

Mr. PAYSON. Yes, that is the proposition I am urging.

Mr. DOCKERY. Very well, that is for gentlemen on that side of the House.

Mr. PAYSON. Now, Mr. Speaker——

Mr. SAYERS. I would like to interrupt the gentleman to ask if the duties of the Commissioner of the General Land Office are any more numerous or more onerous now, or whether the duties of the Assistant Commissioner are more onerous than they have been in the years past when that salary was being received?

Mr. PAYSON, Yes, sir; very largely so, and no public official occupying a relative position, except possibly in the office of the Commissioner of Patents, where there has been a percentage, even, of the the increase of business such as has taken place in the General Land Office in the past five or six years. This is constantly accumulating, and grows out of the rapid settlement and consequent disposition of public lands in the Western part of the Union as well as the accumulation of business in the office, as also in the efforts to bring up the business of the office to the present time, which was largely in arrears when this Administration came in. There has been a constant increase of the duties of the office in the administration of the public-land service. If gentlemen will take occasion to look into the immense amount of business that is done there, and that has accumulated, they will be astonished at the character of it and the aggregate amount. And may I call attention of the House, Mr. Speaker, briefly to the position of affairs there; the volume as well as the important character of the service?

Mr. HOPKINS. Let me ask my colleague first if increase in the business of the office and the effort to bring forward the current business can not be accomplished by more clerks better than by an increase of the salary of the chief?

Mr. PAYSON. Undoubtedly. Additional clerks have been required from time to time, and are badly needed now. They should be provided; but the duties of the head of the Land Office are exceedingly onerous with reference to the adjustment of the various claims growing out of conflicting interests which come before that office for settlement. The Commissioner of the Land Office is, with regard to this business, a court of original jurisdiction.

Questions of all sorts and varieties come before him in the ordinary course of business of the office, from the most ordinary case, involving a tract of agricultural land, up to a mining claim worth millions of dollars; all questions of right as between claimants, and disputes, are settled before him as a court of original jurisdiction, and the amount of business, upon an investigation of the office, which has been undisposed of up to date, amounts to the startling number of 229,952 cases of different character.

Mr. HOPKINS. How many can be disposed of daily?

Mr. PAYSON. That I am not able to say. It is enough to say that during the first six months of the administration of the present Commissioner of the Land Office something over sixty thousand cases were disposed of, more than were received in the office during that time.

Mr. HOPKINS. Will my colleague allow another question at that point? Conceding the large number of cases pending, does it not require rather a subdivision of the labor than an increase in the salary of the head?

Mr. PAYSON. In one sense, yes; but I am addressing myself principally at this time to the question of the gentleman from Texas, whether the duties of the office are more onerous to-day than at the time the salary of the Commissioner was fixed; and that involves not only the volume, but the character of the business.

Mr. SAYERS. Will the gentleman allow me——

Mr. PAYSON. Allow me to finish this statement first; and to show the condition that the business of the General Land Office was in at that time I desire to call the attention of the House to these figures.

Mr. SAYERS. Does the gentleman think that the addition of a sum of $1,000 to the salary of the chief of the Land Office would enable him to dispatch the business more speedily?

Mr. PAYSON. The present incumbent of the General Land Office is devoting every practicable hour in giving attention to the duties of that office that it is possible for him to do. He is performing his duties with the strictest faithfulness and with the greatest efficiency, as I know, and while I do not say that an increase of salary would add specially to the efficiency of that office since the present incumbent has been there, because he is doing his whole duty, the point that I intend to make when I shall be able to reach it is, that the present Commissioner of the General Land Office deserves more than he is receiving, and more even than the Senate amendment proposes to give him. The gentleman from Texas [Mr. SAYERS] has anticipated what I was about to say.

Mr. HOPKINS. Is not that true of many of the heads of Departments of the Government, and if you start with the Land Commissioner where are you going to stop?

Mr. PAYSON. I am not discussing that, but may say that I shall not stop till I have urged proper payment for efficient service. If I may be permitted to proceed in my own way I will try to answer questions that gentlemen are now presenting to me. The Commissioner of Patents receives $5,000 a year and has received it ever since I have been in public life, as my recollection goes. The Commissioner of Internal Revenue receives a salary of $6,000 a year and has received it ever since I have known anything about that office. The Commissioner of Pensions receives, as I recollect, $5,000 a year. If I am mistaken, I shall be glad to be corrected. And many of the various other bureau officers in the Government receive the salary that this Senate amendment proposes to give to the General Land Office.

Now, the point I wished to make when I addressed the Chair and asked the attention of the House was this: That there is no bureau in this Government that is of greater importance or that requires ability of a more signal character, or the salary to which would be more thoroughly earned if this amendment should prevail, than the office which is filled by the Commissioner of the General Land Office. There is no officer who comes closer to the people, or who in the administration of his office has larger interests to deal with, than the Commissioner of the General Land Office. And I speak upon this advisedly, with knowledge, because I have had an intimate acquaintance with the performance of the duties of that office during the past two Administrations.

And with the constant increase of duties and with the magnitude of the questions which are brought before him for decision, and speaking with a personal knowledge as to the efficiency of the present occupant of that position, I confidently assert that the amount which is provided here is fully earned. If any officer of the Government in charge of a bureau is entitled to $6,000, the present Commissioner of the General Land Office is. I think the amount of business that goes to his hands is not generally realized. With the increase of settlements, the looking over and giving personal attention to the examination and approval of all the contracts for surveys in the great West, the army of Government agents looking after the interests of the United States in the newly settled portions of the country, the fraudulent entries, the timber depredations, and all that sort of thing, come under his personal supervision. The different divisions of the office, particularly the pre-emption division, the mineral division, and the public-land division, are either one of them equal in importance to some of the bureaus of the Government to-day.

I call attention to the condition of the business at the close of the

week of April 19 last, from which table, which I submit, a general idea of the volume and character of the business he has in hand may be obtained, and which, to sustain the reputation of his personal administration, he must control and superintend, and, largely, at the termination of each case personally inspect:

| Divisions and nature of business therein. | Number of entries. | Approximate number of acres embraced. |
|---|---|---|
| Division B, approved cases awaiting patent | 10,248 | 1,639,680 |
| Division C, final entries posted but not approved | 52,089 | 8,334,240 |
| Division C, final entries posted but suspended | | |
| Division C, final entries not posted nor approved | 50,000 | 8,000,000 |
| Division D, private land claims pending | 3,008 | |
| Division D, donation land claims pending | 122 | |
| Division D, scrip locations pending | 866 | |
| Division D, Indian entries pending | 157 | |
| Division D, Santee Sioux entries pending | | |
| Division F, entries in railroad limits pending | 4,038 | 484,560 |
| Division F, application to enter lands within railroad limits | 2,432 | 291,840 |
| Division F, railroad selections pending | | 29,854,753 |
| Division F, wagon-road selections pending | | 305,246 |
| Division G, pre-emption cases (*ex parte*) pending | 83,727 | 13,396,320 |
| Division G, town-site entries pending | 39 | |
| Division G, town-lot entries pending | 17 | |
| Division H, contest cases, all classes, pending | 10,046 | 1,607,360 |
| Division K, cases in conflict with swamp lands pending | 344 | 55,160 |
| Division N, mineral and coal entries pending | 3,238 | |
| Division N, mineral and coal entries suspended pending | 2,100 | 1,003,248 |
| Division N, mineral entry contests pending | 82 | |
| Division N, agricultural entries pending | 17 | |
| Division O, cases pending homesteads, cash entries, etc., awaiting action | | |
| Division P, cases pending alleged fraudulent | 7,382 | 1,345,060 |
| Total number of cases pending and area embraced | 229,952 | 66,317,467 |

Mr. HOPKINS. Yet, I suppose, if my colleague will allow me, all those subdivisions existed under the law during the former Administration.

Mr. PAYSON. Certainly they did.

Mr. HOPKINS. And were properly conducted by the then Commissioner.

Mr. PAYSON. Conducted to the best of the ability of the gentleman who then occupied the office. But a bureau of this character, and presided over by such an efficient public officer as now occupies that position, to say that he ought to be made equal in salary to that of other bureaus which I have named and some that I have not named (for I do not know the salaries of all of them)—it seems to me that it is something that ought to go without saying.

The importance of the bureau of the General Land Office is not appreciated by Congress.

Only those who are by committee assignment or special investigation brought in contact with it know of its real importance.

One of the most difficult duties the President had to perform was to find two gentlemen satisfactorily adapted to perform the duties of these positions. Experience has demonstrated the wisdom of his judgment.

The Commissioner is, as we all know, a courteous gentleman, and energetic; he has Western push and executive force; industrious, and his work shows careful and conscientious exertion; he is a lawyer of eminence, and brought with him a reputation as a judge which has been fully sustained by his decisions, numerous and important, as I know, now of record, rendered since he has been in office.

Remember, as I have said, he sits in all contested cases as a court of original jurisdiction, and every case must be passed on and a formal, written opinion prepared and delivered, many of them presenting questions never presented in the courts, and frequently involving in these later days property worth millions of dollars; questions, too, never presented in the earlier days of more limited Federal power.

This has grown with the growth of the country until the office, in fact, is of sufficient dignity to be treated almost as a Department instead of a bureau.

Any satisfactory Commissioner of the General Land Office deserves this increase and especially does Mr. Commissioner Groff, whom it affords me pleasure to be able to heartily indorse.

My partiality for him is not here expressed because of personal friendship, although I am glad to number him among those to whom I am warmly attached and I believe to the fullest in the doctrine of standing by the interests of those to whom we are so related, but I put my support of this motion on business grounds alone, the high character of the office, the onerous duties it imposes, the varied accomplishments and attainments necessary to successfully perform its work. The personal qualities of character and association needed to make the performance of such duties agreeable to those directly interested in results, as well as to us in public life brought daily in contact with him, all happily united in Judge Groff, constrains me, Mr. Speaker, to urge with whatever influence my words may have, based on a large experience in these matters, as also whatever of personal influence I may have as a member here of years of service, that he be given the benefit of this deserved partiality.

He deserves it, and I only delay the recognition the House will give him, I feel sure, by my occupancy of further time in this debate.

The assistant commissioner deserves the benefit of the Senate amendment. I only regret it is not larger in his case. He brought to the public service here the matured experience of a man of public affairs; an ex-governor of a great Western State, with full knowledge of the needs of the people interested in the office, and an executive ability of which he and we his friends may well be proud.

As acting commissioner, as well as assistant, his record is of the highest. I earnestly hope the Senate amendment will be concurred in by the House.

Mr. DOCKERY. Mr. Speaker, I only desire to submit a brief statement for the consideration of that side of the House, and when I shall have done so the responsibility rests with them. I am opposed to this increase. When this bill passed the House it carried one hundred and thirty-four new offices at an additional annual expense of about $140,000. It came back from the Senate with one hundred and thirty-one additional offices, the cost of which I have not yet been able to estimate. I do not know the number of new offices that will be established when this bill shall finally become a law, but it is very probable that the new offices created will involve an additional annual expense to the tax-payers of the United States of perhaps $250,000.

Now, Mr. Speaker, in view of the depression prevailing in all branches of business, if gentlemen on that side of the House desire to increase the salary of the Commissioner of the Land Office from $4,000 to $5,000, and the salary of the assistant commissioner from $3,000 to $3,500, in the face of the fact that these salaries have continued for a long term of years at what they are now, then I say the increase will have to be made by Republican votes and against the united protest of this side of the House.

Mr. PAYSON. Mr. Speaker, in reply to the observations just made by the gentleman from Missouri, I am not aware nor have I knowledge from examination whether there are a number of new officers provided for in the bill or not; but I desire his attention while I say that if a single one of these new officers created by the Senate amendment in this bill is not necessary for the proper administration of the public business, I will join hands with him and endeavor to strike it out.

It is no argument against the bill for a proper increase of salary of a Department official, a public officer, when the needs and duties of his office require it, to say that in the same bill certain new officers are created by Senate amendments which were never provided for by the House; because in the growth of this country everybody knows that there must be new officers created for the proper and efficient administration of the affairs of a country which is growing like this.

Mr. BUTTERWORTH. I want to say to my friend that my colleague on the committee [Mr. DOCKERY] used the word "offices." There are increases in the number of employés for the dispatch of business where it was falling or had fallen behind. They are not "new officers." I think that is not a proper term to use, but conveys a wrong impression.

Mr. DOCKERY. If the gentleman prefers to use the name "clerk," all right.

Mr. SAYERS. He wants to give the name of the office to the clerk.

## SILVER.

The SPEAKER *pro tempore*. The Chair desires to announce the following conferees upon the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes: Mr. CONGER, Mr. WALKER of Massachusetts, and Mr. BLAND.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. PAYSON. I believe, Mr. Speaker, that is all I want to say in regard to the proposition, but I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois to concur in the amendment which has been reported.

Mr. KERR, of Iowa. Mr. Speaker, this officer took this office knowing the salary, and it seems to me that these services have been performed for that compensation for a number of years, and I believe performed during all Administrations with a considerable amount of ability and satisfactorily to the people, and this is a very bad time to make an increase. I can excuse the gentleman from Illinois, who is chairman of the Committee on Public Lands, and of course is associated a great deal with this officer. His relations, on account of his position on that committee, being very close with the officer at the head of that Department, he naturally would have a good deal of sympathy for the man who administers that office.

Mr. HOPKINS. You think he has allowed his friendship and zeal to run away with his judgment?

Mr. KERR, of Iowa. I will not say that much. I have no doubt he believes fully that the salary ought to be increased without regard to his position, but I do not think it is proper. I do not think in the condition of the American people at this time it is proper.

Mr. ENLOE. No doubt about that.

Mr. KERR, of Iowa. It is in the interest of the welfare of the country to economize in all these matters. I do not sympathize with the remarks that have been made about increasing the clerks that are necessary for the performance of public business. The people understand that as the nation grows larger and as there is a larger population it will be necessary to increase the number of clerks, but it is not necessary to increase the salaries of officers who are performing these duties; and I hope this side of the House will preserve a good record for economy in regard to these matters. I do not think we have been very extravagant thus far. The record will show when we get through. I know gentlemen on the other side are making remarks to the effect that it will not be as good, but I think we will be able to prove that we have been economical in the administration of the affairs of Government. I hope this salary will not be increased.

Mr. SAYERS. Will the gentleman explain how he will be able to establish that reputation among the people when they have created the office of a new Assistant Secretary of the Navy and have increased the salary of the Commissioner of the Land Office, if this report is adopted?

Mr. KERR, of Iowa. We will not be able to do it should we put this through so far as the Commissioner of the Land Office is concerned. In regard to the increase for an Assistant Secretary of the Navy, I believe that that proposition when it was up here had some very able support on that side.

Mr. SAYERS. Not very many.

Mr. KERR, of Iowa. Not enough to carry it through, but it had able support; and, of course, if able men become advocates on that side of the House of this new office, it is to be expected that they will have the sympathy of friends on this side of the House who have control of the appointment. In order that such things may not be done, I have always believed that the minority should be in favor of economy.

Mr. DOCKERY. That is the true mission of the minority.

Mr. KERR, of Iowa. They should not only be in favor of economy of the offices, but there should be a proper and efficient service. There should be economy as to the salaries and there should be no unnecessary expenses.

Mr. SAYERS. We are trying to prevent unnecessary expense.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. CANNON] to concur in the Senate amendment which has been read.

Mr. ENLOE. Mr. Speaker, it is very gratifying to see the disposition of the gentleman from Iowa [Mr. KERR] to enter at this stage of the session upon the policy of economy. A gentleman who votes here with the facility he does on almost all occasions to give away millions can very well afford——

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. ENLOE. Please do not interrupt me. A gentleman, I say, who votes with the facility he does on almost all occasions to give away millions here, can very well afford to come in at this hour with a plea for saving a thousand dollars. I agree with the gentleman that it is a great thing for the American people to save a thousand dollars, because that sum represents the labor of a thousand men for one day, or of one man for a thousand days, and I am glad to see that he recognizes the fact that it is necessary that at some point we should begin to economize. I have been looking for that ever since Congress met. I have been watching the proceedings of this House with a great deal of interest, wondering when we would get to a point when there would be any gentleman on that side who would want to save something for the people. I am glad the gentleman from Iowa has reached that point. He says that gentlemen of influence upon this side of the House have influenced votes upon the other side, and when gentlemen of influence upon the Republican side, like himself, reach a point where they are willing to begin to save a thousand dollars for the people, I hope their example will have the proper effect on this side of the House. [Laughter.]

Mr. KERR, of Iowa, rose.

Mr. CANNON. Let us have a vote.

The question was taken on the motion to concur in the Senate amendment, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. DOCKERY. I ask for a division.

The House divided; and there were—ayes 47, noes 38.

So the amendment was concurred in.

Mr. BUTTERWORTH. Mr. Speaker, I move now to non-concur in the other amendments, which relate mostly to increases in the employés of the Senate, twenty-one or twenty-two in number, and involve an increase in the appropriation of about forty or fifty thousand dollars.

Mr. CANNON. Mr. Speaker, I want to say a word about this matter, because it brings before us the real contest upon this bill between the House and the Senate. As the gentleman from Ohio [Mr. BUTTERWORTH] has said, there are probably twenty-two or twenty-three increases of Senate employés provided for in the Senate amendments. There is one assistant clerk to the Committee on Claims, and there are six additional messengers, at $1,440 each. I believe there are about six additional Senators over there, which may account to some extent for the additional messengers. Then there are three additional skilled laborers, at $1,000 each; three additional laborers, at $720 each; an additional clerk to a committee, at $2,100; another additional clerk to a committee, at $1,800; and then, for clerks to Senators who are not chairmen of committees, at $1,800 each, there is the amount of $63,000.

This amendment strikes out the words in the House provision, "during the session," and the aggregate of $21,780 for these clerks in the bill as it went from the House is increased to $63,000. Part of this increase, how much I do not know exactly, but probably four, five, or six of these employés, may probably be due to the increase in the number of Senators, but most of the increase is due to the fact that the amendment provides an annual clerk at $1,800 a year for each Senator who is not chairman of a committee. Heretofore the clerks of Senators have been "during the session." Now, I do not know what may be the temper of the House upon this subject. We have had many contests with the Senate about these clerks in former years——

Mr. DUNNELL. And we have always backed down.

Mr. CANNON. Yes, as the gentleman from Minnesota says, we have always backed down. We have yielded to the claim which the Senate has made that, being a co-ordinate branch of Congress, it is the proper judge of the number and the compensation of the employés required to transact its business. I will not discuss that branch of the question now, but will content myself with the statement that the larger portion of the Senators, I believe all of them but about thirty, are chairmen of committees and that their committee clerks receive an average compensation of over $2,000 a year, some of them having assistant clerks at the rate of about $1,440 a year. I will not criticise the number of committees that the Senate has. I will not intimate that they are too numerous, although it has been intimated that at both ends of the Capitol there are more committee clerks than the respective bodies need for the transaction of their business. However, the Senate has these employés, and in addition there is this appropriation proposed by the Senate for the compensation of annual clerks for Senators who are not chairmen of committees. Now, as members of the House have to hire their own clerical assistance, as we all know, this amendment, viewed from that standpoint, practically gives to the Senators $1,800 a year more salary than is given to members of this House who are not chairmen of committees.

Mr. HOPKINS. Will my colleague permit a question?

Mr. CANNON. In a moment. As I have said, in all the contests that we have had heretofore on this subject, some of which have continued for weeks, the House has receded in the end, because the alternative has been presented either to recede or to let the bill fail. What the House may do on this occasion I know not, but I thought it proper to say what I have said now because to-morrow, I believe, will be the last day of this fiscal year, and if this bill does not pass, the employés carried by the bill will be left without provision on Monday morning next.

Mr. DUNNELL. Monday will be the last day of the fiscal year.

Mr. CANNON. It is suggested that Monday will be the last day, so that we have to-morrow and Monday to agree upon this bill and have it enacted into law. I have had no desire to provoke discussion, but I thought it was well enough to volunteer to call the attention of the House to the main matter of controversy between the conferees of the House and the Senate, the main question upon which we have not agreed and which we have to deal with in conference. I have no doubt that we could have easily agreed upon the whole bill if it had not been for these increases for Senate employés.

My object is that if any member of the House desires to take any step that will bring the two bodies together touching this matter it may be done now, if it is the sense of the House to take such a step.

Mr. HOPKINS. I wish to ask the gentleman in charge of this bill how much more the clerks will receive under this proposed legislation than they have received heretofore.

Mr. BUTTERWORTH. The change is this: Whereas the Senators have heretofore had session clerks, this makes them annual clerks at $1,800 a year. It is the difference between $21,000 and $63,000.

Mr. ENLOE. I want to ask the gentleman from Illinois [Mr. CANNON] whether we are to understand from his statement that the House now has the Senate "in a hole"—in a position where it can compel the Senate to agree with the House? Heretofore it seems the Senate has compelled the House to agree with it.

Mr. CANNON. I know of no such distinction between this contest and former contests touching the clerks to Senators. I will remind the gentleman that under the Constitution the concurrence of the House, the Senate, and the President is necessary to accomplish legislation; that heretofore the Senate has always claimed that the regulation of its own force and the pay that shall be given to its own force is a matter pertaining to the Senate, and on that question it has heretofore refused to recede, and the House, yielding to the necessity of passing legislation providing for other expenditures of the Government, has invariably receded.

Mr. ENLOE. Then, as I understand the gentleman, it is necessary that the House should recede or that this bill should fail if the Senate insists.

Mr. CANNON. I have not so said. I have only stated what has been the history of this matter heretofore.

Mr. ENLOE. I want to know what is the power of the Senate in this matter. If the Senate insists, can the House compel the Senate to do anything different from what it has done heretofore?

Mr. CANNON. Well, I do not know what we can do unless we call out the Army. [Laughter.]

Mr. ENLOE. Can you not do that? The majority in this Congress have been able to do everything thus far. Can you not call out the Army?

Mr. DOCKERY. Just a word about the remaining differences between the House and the Senate. It is not, as I understand the issue, a mere difference in regard to the salary of the clerks of Senators. The difference is this: the Senate has increased its clerical roll by the addition of 30 officers. This bill as it went to the Senate provided for 261 employés for that body; it now carries with the pending Senate amendments 291. The bill as returned from the Senate carries in respect to the compensation of Senate employés a total of $57,970 more than it provided when it left the House. The increased number of Senate employés is 30, and the increased amount of appropriations asked is $57,970.

Now, Mr. Speaker, the increase with reference to clerks for Senators is about $26,000. The current law appropriates $36,888 for Senate clerks, while this bill as amended by the Senate carries $63,000. As the House will observe there is therefore still an increase of about $31,000 for Senate expenses in issue and yet to be adjudicated in conference.

Mr. HOPKINS. I wish to ask the gentleman from Missouri this question: Does the Senate attempt to interfere with the clerical force of the House?

Mr. DOCKERY. I do not think they do. But I utterly deny and repudiate that so-called "courtesy" between the two Houses which requires this body to agree to whatever the Senate may determine in respect to the number of its employés and their compensation. We have a right to our judgment in that matter as in other expenditures, and the Senate should exercise a like scrutiny in relation to the expenditures of this House.

Mr. HOPKINS. Has the Senate made any attempt to interfere with the House as to the number of its employés or their emoluments?

Mr. BUTTERWORTH. No, they have not. I understand the attitude of the Senate to be this: "You provide such number of employés for the conduct of the business of the House as in your judgment are necessary, and we will do the same; we will not decide for you how many clerks you need, and we think you ought not to assume to decide any such question for us."

Mr. HOPKINS. Is not that a pretty sensible position to take?

Mr. BUTTERWORTH. It is only a question as to whether our friends at the other end of the Capitol are abusing their privilege. I do not question the right of the House to say in reference to these expenditures proposed by the Senate, "This is extravagant; this salary is exorbitant," and to call a halt. The question is as to when that line is reached—whether they are making increases beyond what is necessary; and that is a question of fact rather than anything else. I will say confidentially, not to be repeated, that it is the judgment of some eminent gentlemen in another place that they have an unnecessary number of officers on the roll, and that the salaries are in some cases extravagant. So we thought it might not be amiss to go over the roll with them and eliminate the surplus number or reduce the superfluous amount.

Mr. HOPKINS. I desire to say to the gentleman from Ohio that for three or four years past we have been following the lead of these gentlemen on conference committees in regard to this question. They come in here and make their report upon these matters with a good deal of force and gesticulation. We get just about such reports as we get here to-day. Under the lead of these gentlemen the House votes to non-concur in the action of the Senate, but ultimately we have had to abandon that position, to back down; and if we are going to do that now, I for one would rather do it at this time and gracefully than after we have had three or four votes on this proposition and then do it.

Mr. BUCKALEW. I would like to ask the gentleman whether the Senatorial argument means a change of the Senate employés, making them annual officers.

Mr. BUTTERWORTH. The question here presented is a somewhat different one. I am not prepared to say that our friends there will insist upon the full number that they demand, and they do not deny our right to inquire into the matter. So it is only a question how far we shall go in attempting to dictate the number and compensation of their employés.

Mr. HOPKINS. I think we ought to consider this very carefully before we vote to non-concur. If we do so vote, then we ought to stick to it; for I would rather drop out the whole appropriation with all it carries, and see it fail, rather than recede from the position we take on that matter. I do not wish to see year after year the humiliating spectacle presented here that we have had heretofore on various occasions when the House has voted again and again to non-concur and then ultimately receded.

Mr. BUTTERWORTH. One of the troubles in regard to this question has grown out of the fact that we recognize the necessity of each member having a clerk, but we do not rush precipitately to vote for that which we ourselves require [laughter]; and we have sometimes assailed the Senate for doing for themselves, and promptly, what we ought to do for ourselves.

Mr. MOREY. I would like to inquire of my colleague from Ohio, as he is a recognized authority on the subject, whether it is not perhaps a proper case for the doctrine of reciprocity.

Mr. BUTTERWORTH. I think it is, and I am willing to adopt that system if the House will sustain us, and vote for clerks for the members of the House. I have no doubt that the country will sustain it, for it is necessary and just and proper for the transaction of the business. There is not a member on this floor who can be catechised under the civil-service rules and on that examination tell the substance of five bills pending on our Calendars, because he is driven into other matters which he can not refuse to attend to, matters of public concern to his constituents at the Departments. And every member here knows that the only way that our constituents can reach the Departments is through their member of Congress. For that reason it is proper that we should have assistance, because there are duties devolving upon him outside of those which pertain to him as a member of this House.

Mr. CUTCHEON. Let me ask the gentleman from Ohio whether he means by "reciprocity" that we are to let the Senate have clerks provided they will force them upon us, because we do not dare to do it ourselves?

Mr. BUTTERWORTH. No; I do not want to be forced, but I am willing to yield very gracefully if it is done. [Laughter.]

Mr. ENLOE. I want to ask the gentleman a question——[Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The question is on agreeing to the motion of the gentleman from Ohio that the House insist upon its disagreement to the amendments of the Senate.

The motion was agreed to.

Mr. ENLOE. I desired to ask a question of the gentleman, but I suppose I will have to do it privately now.

### EVENING SESSIONS FOR DEBATE ON ELECTION BILL.

Mr. BUCKALEW. I desire to ask unanimous consent of the House for a matter connected with its proceedings. I ask unanimous consent of the House that an order be entered for a continuation of the public debate upon the election bill on Monday evening, commencing at 8 o'clock, and that speeches be limited to twenty minutes. I have conferred with gentlemen on both sides, and it is absolutely necessary to make some such arrangement.

Mr. SPRINGER. Does the gentleman propose the House shall take a recess at 5 o'clock?

Mr. BRECKINRIDGE, of Kentucky. Say 5.30.

Mr. BUTTERWORTH. For debate only?

Mr. BUCKALEW. Yes; for twenty-minute speeches, commencing at 8 o'clock.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman, that the House take a recess on Monday afternoon at 5.30 o'clock until 8 o'clock the evening session to be devoted to debate only on the election bill, the time being limited to twenty-minute speeches.

Mr. HEMPHILL. Can I ask for a session for Saturday afternoon on the same terms?

Mr. SPRINGER. Make that request separately.

Mr. HEMPHILL. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was so ordered.

Mr. HEMPHILL. Now, Mr. Speaker, I ask that the same order be made for Saturday evening. That the House take a recess at 5.30 until 8 o'clock, the evening session to be for debate only on the election bill, the time to be limited to twenty minutes.

Mr. KILGORE. And the evening session to be limited to half past 10? [Cries of "Oh, no!"]

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection, and it was so ordered.

### LEAVE OF ABSENCE, POST-OFFICE EMPLOYÉS.

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to print in the RECORD the report of the Committee on the Post-Office and Post-Roads on the bill H. R. 10086, passed by the House on yesterday, together with letters from the Department in reference to the same.

The SPEAKER. Is there objection?

There was no objection.

The report and letters are as follows:

OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., May 5, 1890.*

SIR: In reply to your request of the 2d instant, relative to House bill 6448, being a bill "granting leaves of absence to clerks and employés in first and second class post-offices," etc., I beg to state that the amended bill, as follows, "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that from and after July 1, 1890, clerks and employés attached to first and second class post-offices be allowed leaves of absence, with

full pay, for not exceeding fifteen days in any one fiscal year, provided no clerk or employé be granted leave until he has performed service for one year," will not involve an additional appropriation for clerk-hire.

The bill, as amended, strikes out section 2, providing for the employment of substitute clerks at the rate of $600 a year each, and also section 3, making an additional appropriation for clerks in post-offices, and amends section 1 by eliminating the third-class post-offices.

The effect of the amendment, therefore, is simply to authorize leaves of absence, with full pay, to clerks and employés attached to first and second class offices for not exceeding fifteen days in any one fiscal year, provided the clerk or employé has performed service for one year.

Very respectfully,

JOHN WANAMAKER,
*Postmaster-General.*

Hon. J. H. KETCHAM,
*Chairman Subcommittee House Committee on the Post-Office and Post-Roads, Washington, D. C.*

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Mr. KETCHAM, from the Committee on the Post-Office and Post-Roads, submitted the following report, to accompany H. R. 10086.

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 6448) granting leaves of absence to clerks and employés in first, second, and third class post-offices, report therefor a substitute, namely: Strike out all after the enacting clause and insert as follows:

"That from and after July 1, 1890, the clerks and employés attached to first and second class post-offices be allowed leaves of absence, with full pay, for not exceeding fifteen days in any one fiscal year, provided that no clerk nor employé be granted a leave until he has performed service for one year."

This substitute for the original bill is approved and recommended by the Post-master-General, who says in a letter addressed to the committee, dated May 5, 1890, "that it will not involve an additional appropriation for clerk-hire." The clerks in the different Departments of the Government, including the letter-carriers, are, under existing law, granted leaves of absence with pay.

The committee, believing that the same privilege should be given the overworked clerks and employés in the first and second class post-offices, that the *personnel* and efficiency of the service will be improved by it, report the bill favorably and recommend its passage.

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COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., June 27, 1890.*

MY DEAR SIR: During my absence this morning at the opening of the House session Mr. DOCKERY, of Missouri, asked unanimous consent to recall from the Senate House bill 10086, copy of which I inclose, making assertion that to carry out its provisions it would entail a cost of about $300,000. I shall endeavor to have the legislation acted upon to-day. The report in connection with the bill exhibits your letter dated May 5, 1890, the words "that it will not involve an additional appropriation for clerk-hire." I would be pleased to hear from you at once, as I have no knowledge upon what authority Mr. DOCKERY made statement to the House.

Very truly, yours,

HENRY H. BINGHAM,
*Chairman Committee on the Post-Office and Post-Roads.*

Hon. JOHN WANAMAKER,
*Postmaster-General, Washington, D. C.*

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OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., June 27, 1890.*

SIR: In reply to your letter of even date, relative to House bill 10086, I beg to call your attention to my letter of May 5, 1890, addressed to Hon. J. H. KETCHAM, chairman of the subcommittee of your committee, in which I state that "it would not involve an additional appropriation for clerk-hire" to carry out the provision of the said bill for not exceeding fifteen days' leave for clerks and employés attached to first and second class post-offices.

Very respectfully,

JNO. WANAMAKER,
*Postmaster-General.*

Hon. H. H. BINGHAM,
*Chairman Committee on the Post-Office and Post-Roads, House of Representatives, Washington, D. C.*

ORDER OF BUSINESS.

Mr. TRACEY. I ask unanimous consent to print some proposed amendments on the election law in the RECORD.

Mr. CANNON. Touching what?

Mr. TRACEY. The election bill.

Mr. CUTCHEON. For information only?

Mr. TRACEY. For the information of the House.

Mr. CANNON. The gentlemen in charge of the bill, the chairman of the committee [Mr. LODGE], and the gentleman from Illinois [Mr. ROWELL] are both absent.

Mr. TRACEY. I would like to have the gentleman from Massachusetts [Mr. LODGE] read the amendments. That is one reason I would like to have them printed in the morning.

Mr. CANNON. Can not that be done just as well to-morrow?

Mr. TRACEY. If it is not done to-night they can not be printed in the RECORD to-morrow morning. The amendments are not long.

Mr. CANNON. They can not be voted upon until next week, so that it will make no difference and you can have them appear in the RECORD Sunday morning.

Mr. TRACEY. There are only three or four lines.

Mr. CANNON. Has the gentleman spoken to the members in charge of the bill [Mr. LODGE and Mr. ROWELL]?

Mr. TRACEY. No, sir.

Mr. CANNON. As the amendments can be printed in the RECORD Sunday morning, and as both of these gentlemen are absent, I should prefer to have the gentleman speak to them first.

Mr. TRACEY. It might improve the bill, I think, if they were adopted.

LEAVE OF ABSENCE.

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

To Mr. RANDALL, for one week, on account of important business.

To Mr. PICKLER, for two weeks, on account of important business.

To Mr. WICKHAM, for six days, on account of important business.

To Mr. SHERMAN, indefinitely, on account of sickness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, without amendment, the joint resolution (H. Res. 183) to provide for the unexpended balance, $99,430.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 25, 1888, and appropriated for the fiscal year ended June 30, 1888.

The message also announced that the Senate had passed, with an amendment, the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes, asked a conference with the House on the bill and amendment, and had appointed Mr. PLATT, Mr. CULLOM, and Mr. JONES of Arkansas conferees on the part of the Senate.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment as conferees on the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes—Messrs. BUTTERWORTH, CANNON, and FORNEY.

ORDER OF BUSINESS.

Mr. MCADOO. Mr. Speaker, if recognized, I would like to take the floor in the morning on the election bill. I understood that I was to be recognized next, and I would like to take the floor with the understanding that I should resume my remarks in the morning.

Mr. CANNON. This session was extended beyond 5 o'clock for the consideration of a conference report only.

Mr. SPRINGER. The gentleman from New Jersey [Mr. MCADOO] does not desire to address the House now; he simply wishes to be recognized to-morrow.

Mr. CANNON. If there is to be a pension session this evening, the House ought to adjourn without further debate.

Mr. SPRINGER. He does not desire to speak now; he simply desires to be recognized.

The SPEAKER. It will make no difference to the gentleman from New Jersey. A recognition now would not hold over a recess.

Mr. SPRINGER. He simply desired to have it understood that he should be recognized to speak first on the bill in the morning.

Mr. KILGORE. I demand the regular order.

The SPEAKER. According to the regular order, the House stands in recess until 8 o'clock this evening, in accordance with the rule of the House.

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## EVENING SESSION.

The recess having expired the House was called to order by Mr. PERKINS as Speaker *pro tempore*, who directed the reading of the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *June 27, 1890.*

Mr. PERKINS, of Kansas, is hereby appointed Speaker *pro tempore* for this evening's session.

T. B. REED, *Speaker.*

BILLS PASSED.

Bills of the following titles, coming over from preceding Fridays' sessions, were considered, and the question being on their passage, they were accordingly passed, namely:

A bill (S. 1902) granting a pension to Sarah C. Anderson and children under sixteen years of age;

A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry;

A bill (S. 2369) granting an increase of pension to Oscar S. Collins;

A bill (S. 1103) granting a pension to Robert H. Stewart;

A bill (S. 2309) for the relief of Joseph O. Cotton, dependent father of Gregory H. Cotton;

A bill (S. 1304) granting an increase of pension to Stephen D. Redfield;

A bill (S. 1302) granting a pension to John Bechen, sr.;

A bill (S. 503) granting a pension to Ellen G. King;

A bill (S. 2197) to increase the pension of Ziba Yarnell;

A bill (S. 1365) granting a pension to Annie E. Dixon;

A bill (S. 1064) granting a pension to Margaret E. Adamson;

A bill (S. 1082) granting a pension to Frederick Kidwiler;

A bill (S. 2734) granting a pension to Ada Johnson;

A bill (S. 513) granting a pension to Alfred Denny;

A bill (S. 1446) granting a pension to Elizabeth Wilson;

A bill (S. 1817) granting a pension to Mary F. Hopkins;

A bill (S. 1471) granting increase of pension to James W. Showalter;

A bill (S. 2200) for the relief of Mary E. Johnson;

A bill (S. 2411) granting a pension to Eugene B. Tabler;

A bill (S. 2420) granting a pension to Jane Wood, widow of Clayborne Wood, late of Company C, Thirty-third Ohio Infantry Volunteers;

A bill (H. R. 6164) to increase the pension of Thomas H. Isbell;

A bill (H. R. 8078) granting an increase of pension to James W. Lathe;
A bill (H. R. 9024) granting a pension to John Pickard;
A bill (H. R. 7869) granting a pension to Sophia J. Dimick;
A bill (H. R. 8532) granting a pension to Mary Webster;
A bill (H. R. 4921) granting a pension to Warren R. Hale;
A bill (H. R. 3018) granting a pension to J. Phil. Hurlbert;
A bill (H. R. 4930) granting a pension to Joseph Fisher;
A bill (H. R. 8584) to increase the pension of Edward Healy;
A bill (H. R. 2128) granting a pension to Mrs. Zelinda Hill;
A bill (H. R. 5521) granting a pension to Miss Frances Thatcher;
A bill (H. R. 2229) granting a pension to Ira Manley;
A bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky;
A bill (H. R. 7658) granting a pension to Isaac Kelly;
A bill (H. R. 7338) granting a pension to Louisa M. Sippell;
A bill (H. R. 7734) granting a pension to Mrs. M. M. Bogle;
A bill (H. R. 9580) granting a pension to Rebecca Tussey;
A bill (H. R. 2965) granting a pension to Rachel Barnes;
A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;
A bill (H. R. 2512) granting an increase of pension to Hugh McHugh;
A bill (H. R. 9244) granting a pension to Lewis W. Bloom, of Etna, Kans.;
A bill (H. R. 9317) granting a pension to Margaret M. Clements;
A bill (H. R. 3606) granting a pension to Irena Wilkinson Gibson, only child of David Wilkinson, of the Revolutionary army;
A bill (H. R. 5208) granting an honorable discharge to David C. Clause;
A bill (H. R. 2174) to remove the charge of desertion from Ellery C. Folger;
A bill (H. R. 10122) granting a pension to Mary L. Radford, widow of William Radford, late rear-admiral United States Navy;
A bill (H. R. 5144) granting a pension to Jonas H. Keen;
A bill (H. R. 4853) to pension Gabriel Stephens;
A bill (H. R. 2005) to increase the pension of Bennett S. Shang.;
A bill (H. R. 10445) to increase the pension of Evelyn W. Miles;
A bill (H. R. 8822) increasing the pension of Samuel D. Pitcher;
A bill (H. R. 3706) to remove the charge of desertion from the record of John A. Jack;
A bill (H. R. 2430) granting a pension to Ruth A. Ball;
A bill (H. R. 8259) to grant a pension to Lydia Zeigler;
A bill (H. R. 5031) granting a pension to George W. White;
A bill (H. R. 9424) to increase the pension of Eben E. Smith;
A bill (H. R. 2802) granting a pension to Conrad Stephan;
A bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall;
A bill (S. 1269) granting a pension to James M. McKinney;
A bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army;
A bill (S. 168) granting a pension to William Gardner;
A bill (S. 1282) granting a pension to Alice Nichols;
A bill (S. 640) granting a pension to Annie D. Rundlett;
A bill (H. R. 5348) to place the name of Sarah A. Smail upon the pension-roll and grant her a pension of $25 per month;
A bill (H. R. 8595) for the relief of William Bishop;
A bill (H. R. 8060) for the relief of William Karger;
A bill (H. R. 5102) for the relief of Boston P. Spencer;
A bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans.;
A bill (H. R. 9565) granting an increase of pension to Joseph N. Wilson;
A bill (H. R. 9945) granting an increase of pension to Charles Barker;
A bill (H. R. 8262) for the relief of Parker Adams; and
A bill (H. R. 9627) granting a pension to Lydia F. Fryer.

Mr. KILGORE. I have just come in, and I would like to know what bills these are.

The SPEAKER *pro tempore*. Those that were considered two weeks ago, and have come over as unfinished business.

Mr. KILGORE. There was an order made as to each one carrying it into a full House.

The SPEAKER *pro tempore*. No; those two as to which that order was made have not been brought up for consideration and will not be. There are two bills, as the gentleman from Texas will remember, upon which the previous question was ordered, and it was agreed that there should be thirty minutes' debate on those.

Mr. KILGORE. But the bills of the entire session one night were ordered to a full House.

Mr. BAKER. They have all been passed.

The SPEAKER *pro tempore*. They were made the special order for a certain day, and that day having passed they were brought up to-night as unfinished business.

Mr. KILGORE. That relates to the bills considered just now?

The SPEAKER *pro tempore*. They were considered two weeks ago to-night.

Mr. KILGORE. What is the reason they were not disposed of in the regular order?

The SPEAKER *pro tempore*. If the gentleman will remember, the gentleman from Tennessee [Mr. ENLOE] consented that they might be read a third time, but he did not consent that the previous question should be ordered or that they should be passed that evening; hence no arrangement was made and they were laid aside. They were to be brought up as unfinished business.

Mr. KILGORE. Was it not arranged that they were to be carried into a full House?

The SPEAKER *pro tempore*. No arrangement was made as to that.

Mr. KILGORE. That only related to two or three certain bills?

The SPEAKER *pro tempore*. That is all, and they have not been brought up and will not be.

Mr. KILGORE. How many are there in that batch?

The SPEAKER *pro tempore*. There is one bill here which the Clerk will read the title of——

Mr. KILGORE. Then the question is on the third reading?

The SPEAKER *pro tempore*. They were all read the third time, and the question is on the final passage of this bill.

Mr. KILGORE. I think they ought to be read by caption.

The SPEAKER *pro tempore*. They were all read by caption.

Mr. KILGORE. Each one ought to be voted upon separately. That will be a more business-like way than the proposition to vote on the whole batch in bulk.

The SPEAKER *pro tempore*. If the gentleman from Texas insists upon it, they will be submitted again so that he may hear the titles of them when read; but they were all read.

Mr. KILGORE. I do not think it is business-like to come here and read the titles of a great batch of bills and then say that these shall be passed if there is no objection to them. I will not insist upon the reading of the bills, which I could do as gentlemen well understand, but I think it would be a very good idea to submit each one separately; and I make that suggestion just in the interest of business-like methods, and not for the purpose of obstruction.

The SPEAKER *pro tempore*. If the gentleman from Texas will permit a suggestion, he will remember that at the time these bills were considered some of the reports were read, and all of them were published, so that members have had from that time up to this to examine the reports published in the RECORD; and the Chair submitted them to the House for objection, and there was no objection.

Mr. KILGORE. Well, now, there may be some bill in that lot I would like to cut off. There are some that I should have cut off had not the gentleman from Tennessee [Mr. ENLOE] taken the contract.

The SPEAKER *pro tempore*. There is one bill here that has not been engrossed for a third reading and read the third time. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 8302) granting a pension to Mary E. Graham.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed for a third reading as amended. Without objection, it will be so ordered. The Chair hears no objection and the bill will be considered as read the third time. The question is, Shall the bill pass? Without objection, it is so ordered. The Chair hears no objection.

Without objection, the titles to the several bills to which amendments were made will be considered as amended so as to conform to the contents of the bills. The Chair hears no objection.

Mr. MORRILL. I move to reconsider the several votes by which the various bills were passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PRISONERS OF WAR PENSION BILL.

Mr. O'DONNELL. Mr. Speaker, on the 18th of December last there was offered in this House by one of the best friends of the soldier ever a member of this body [Mr. MORRILL], a gentleman who has devoted nearly all of his time and labor to promote their interests, and whose efforts will endear him to all the soldiers of the nation, a bill pensioning prisoners of war. This bill has not yet been enacted into law.

No more righteous bill than this providing for pensioning prisoners of war has been offered in this Congress. The men who passed the ordeal of prison life in the South have richly earned pensions, and the allowance of $2 per day for the time while held captives. The amount is small; it is a pitiable compensation for the suffering they endured. No one of the noble army of martyrs who lived through those horrors would again serve thirty days of that imprisonment for the largest pension you are likely to vote any of them. The record of the treatment of the prisoners of war is the most mournful of all the chapters of the unhappy history.

Let us, as far as we can, obliterate the fearful recollection. This bill deserves a unanimous vote in its favor. It is a sorry commentary that it has not been enacted long ago. Can it be that prosperity so blunts the finer instincts of patriotism that these men who gave so much for the country are neglected for a quarter of a century by the Government for whose perpetuity they suffered so much? The prisoner of war was faithful to the flag of the Union when that faithfulness cost suffering,

starvation, and nakedness. The moral grandeur of their fidelity to the Government which seemed to forget them in their captivity has never received its full appreciation.

In the crucible of misery they were tried, and were faithful to the flag under which they enlisted. They never knew or thought of any other flag or Government except the banner and Government of the Republic, their love and devotion to which no calamity could weaken; their patriotism and self-denial were exhibited under terrible trials. By a baptism of suffering they became children of the Republic, and no inducement of release from misery, wretchedness, and suffering could tempt them to forget the cause for which they periled all. With them life, liberty, and happiness were freely offered for the Union. They put away the evil genius of selfishness and remained true to their country. Their sufferings and sorrows grew, but instead of faltering they kept the faith, and their patriotism and devotion shine out resplendent.

Never during all that long and terrible struggle was there such a trial of souls by the ordeal of war. Their valor and their heroism should win the homage of history and the gratitude of the American people. Few of us to-day can comprehend the splendor of their resolve, the sublimity of their sufferings, and the granitic character of these captives of the war. Their imprisonment was a gigantic sum of suffering, loss, and grief, with a multitude of deaths. It is impossible to estimate their suffering; it is impossible to contemplate without pitying admiration the fidelity of these men who gave so much without a murmur for the redeemed glory of the flag. That they are unremembered up to to-day shows the speed with which time is pressing back the scenes of the civil war.

The memory of their grand faithfulness the ages should not obliterate. Libby, Belle Isle, Florence, Salisbury, and Andersonville—around these names linger memories of misery. There is no light in the gloom; the poor prisoner of war saw it not; all the hope he gained was from the skies, which were full of pitying sunshine. In the prisons of the South forty-five thousand boys in blue gave up life; around the stockades the bones of thousands of our soldiers molder until the judgment day. It is by the sacrifices of such men that civilization was made worthy of survival, and it survives only by the sacrifice of such great souls. Forty-five thousand died in these prisons that the Republic might live. And if the shadowy hosts could pass in silent review above us they would rejoice if just laws for their surviving comrades in sorrow and suffering were enacted.

What an appeal for justice their ashen lips would utter were speech a gift of the dead! They will look down approvingly if we are just. To pass this bill will soften the memories of the survivors. Few of the mighty array who rode in the hurricane of civil war endured and suffered what these prisoners endured and suffered as they were dragged by the iron chain of necessity.

Mr. Speaker, I send to the Clerk's desk to be read this letter from a commander of the Confederate forces, taken from the archives of the Confederate government, which but too truly confirms the suffering of the men at Andersonville. This letter mournfully establishes the fact that those who entered there left hope behind:

ANDERSONVILLE, *August* 5, 1864.

COLONEL: The following additional report of my inspection at this point is respectfully submitted:

* * * * * * *

My duty requires me respectfully to recommend a change in the officer in command of the post, Brig. Gen. J. H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and consideration for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside of the stockade, a place the horrors of which it is difficult to describe, and which is a disgrace to civilization; the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

* * * * * * *

I am, colonel, very respectfully, your obedient servant,

D. T. CHANDLER,
*Assistant Adjutant and Inspector-General.*

Col. R. H. CHILTON,
*Assistant Adjutant and Inspector-General, C. S. A., Richmond, Va.*

And now I close the fearful chapter by asking that this order, also taken from the records, be read:

[Orders, No. 13.]

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
*Andersonville, July* 27, 1864.

The officers on duty and in charge of the battery of "Florida artillery" at the time, will, upon receiving notice that the enemy have approached within 7 miles of this post, open fire upon the stockade with grape shot, without reference to the situation beyond these lines of defense.

It is better that the last Federal be exterminated than be permitted to burn and pillage the property of loyal citizens, as they will do, if allowed to make their escape from prison.

By order of John H. Winder, brigadier-general.

W. S. WINDER,
*Adjutant-General.*

I present these testimonies of the inhumanity to the prisoners at Andersonville, not to revive the recollections of the hateful and terrible period, but for the purpose of exhibiting to you what these men who ask a slight recompense for their suffering endured. I would not recall that fearful period in our nation's history. This neglect by Congress of these devoted soldiers may well challenge the attention of the student of human affairs, who will marvel at such ingratitude on the part of any nation. The hour for justice has long since gone by; it should be deferred no longer. These surviving prisoners of war are growing old; the awful experience that was theirs has left the ineradicable impress of suffering. With too many, adversity sits an unwelcome guest at their hearthstone. To enact this bill into law will, I know, in many instances, light up the whitened faces of hunger and despair.

Every member should, and I believe will, vote for this bill. We will thereby do a moiety of justice to these suffering patriots, who have up to this date only received the neglectful attention of Congress. By this they, if possible, will forget the past. The transforming and renewing hand of time is hiding away from the memory of men the scenes of those wretched days. We seek to continue the rebuilding of the country. With us the war is the skeleton of the past, smiling peace the genius of the present. We bind up the nation's wounds, care for its defenders, pursue the conquests of peace, and thus "close the last furrow of war, extinguish the last prejudice, efface the last vestige of hate."

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special rule for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. KERR, of Iowa, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar, and the Clerk will report the first bill.

W. ZISTER.

The first business on the Private Calendar was the bill (H. R. 7614) granting a pension to W. Zister.

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 W. Zister, widow of Frank Zister, Company H, Twenty-seventh Missouri Volunteer Infantry.

Mr. KILGORE. I insist upon the reading of the report.

The CHAIRMAN. The report will be read.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7614) granting a pension to Waldeburga Zister, submit the following report:

That the claimant is the widow of Frank Zister, late a private in Company H, Twenty-seventh Missouri Volunteer Infantry; that the soldier suffered ever after his discharge from chronic diarrhea, which greatly debilitated him. This continued up to 1882, when he died of cancerous stomach. H. C. Dalton, attending physician, says in affidavit that he was suffering from diarrhea when admitted to hospital, and that this may have been the cause of the soldier's disease.

This claim was rejected in the Pension Office on the ground that the soldier's death was not the result of army service.

Your committee believe that there is sufficient doubt in the case to warrant favorable action on the bill. The claimant is old and very poor, and the committee recommend that the bill do pass.

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

CORNELIA A. STANLEY.

The next business on the Private Calendar was the bill (S. 563) for the relief of Cornelia A. Stanley.

The bill was read, as follows:

*Be it enacted, etc.*, That from and after the passage of this act there be paid, out of the naval pension fund, to Cornelia A. Stanley, widow of the late Rear-Admiral Fabius Stanley, United States Navy, the sum of $30 per month during her widowhood, the same to be in lieu of her present pension.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 563) granting a pension to Cornelia A. Stanley, submit the following report:

This bill was reported favorably by the Senate Committee on Pensions, which report is adopted by the majority of this committee and is in the following words, to wit:

"The Committee on Pensions, to whom was referred the bill for the relief of Cornelia A. Stanley, have examined the same and report:

"The claimant is the widow of Fabius Stanley, who died on the 5th of December, 1882. She was married to him January 5, 1861, his former wife having died previous to 1853.

"Fabius Stanley was appointed a midshipman in the Navy December 20, 1831, and was promoted from time to time and became a rear-admiral February 12, 1874, and died of angina pectoris, which originated from exposure in the line of duty.

"This claimant filed a declaration for a pension February 28, 1883, and was allowed a pension at the rate of $30 per month, May 10, 1883, from February 28, 1883, and now asks an increase to $50 per month.

"In view of the long and faithful service of Rear-Admiral Stanley, and the amount allowed to widows of officers of like rank, we approve this application, 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.

CORNELIA R. CHANDLER.

The next business on the Private Calendar was the bill (H. R. 1992) to increase the pension of Cornelia R. Chandler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to increase the pension now allowed by law to Cornelia R. Chandler, widow of the late Rear-Admiral Chandler, from thirty to fifty dollars per month.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1992) granting an increase of pension to Cornelia R. Chandler, submit the following report:

That the claimant is the widow of the late Rear-Admiral Chandler, a distinguished officer who served continuously from 1845 till his death, in 1889, when he died from sun-stroke while on duty in Japan.

The claimant is fifty-seven years of age, and has no other means of support than her pension of $100 per month and the income of a small property, not exceeding $2,500. She has one minor son and a minor daughter, both of whom are to a considerable degree dependent on her for support. In view of the distinguished services of her late husband, the age and financial civil condition of the claimant, and the numerous precedents for such legislation, your committee favorably report the bill with the recommendation that it do pass.

Mr. KILGORE. I did not understand, Mr. Chairman, the reading of the report exactly, but I think it read that the beneficiary of that bill is already receiving a pension of $100 a month.

The CHAIRMAN. The bill proposes to raise the amount of the pension from $30 to $50 a month.

Mr. COBB. What was said about income in that report? I think there was something said in the report about her now having an income of $100 a month.

Mr. KILGORE. Perhaps the report had better be read again.

The report was again read.

The CHAIRMAN. There is evidently a mistake in the report, and, if there be no objection, the bill will be laid aside without prejudice.

Mr. FARQUHAR. I move that it be laid aside without prejudice, retaining its place on the Calendar, as there is evidently some error in regard to the matter.

The CHAIRMAN. Without objection, the bill will be laid aside without prejudice, retaining its place on the Calendar.

There was no objection.

Subsequently,

Mr. TURNER, of New York, said: Mr. Chairman, having come into the Hall somewhat late, I am informed that House bill (H. R. 1992) to increase the pension of Cornelia R. Chandler was temporarily laid aside on account of some apparent discrepancy between the report and the bill. I ask that the case be taken up again.

The CHAIRMAN. If there be no objection, the bill will be taken up again.

There was no objection.

Mr. KERR, of Iowa. What amount of pension does this lady now receive?

Mr. TURNER, of New York. Thirty dollars.

Mr. KERR, of Iowa. The report says she is now receiving a pension of $100.

Mr. TURNER, of New York. That is an error of the printer's. Her present pension is only $30 a month. The report has been badly printed—I suppose owing to the peculiarity of my handwriting.

Mr. FARQUHAR. Another reason the bill was objected to was that from the language of the report it might be inferred that this lady enjoys an income of $2,500 a year, when in fact that is the total amount of her property.

Mr. TURNER, of New York. That is what I intended to state.

A MEMBER. What pension does the bill propose to pay?

Mr. TURNER, of New York. Fifty dollars.

The report as corrected was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1992) granting an increase of pension to Cornelia R. Chandler, submit the following report:

That the claimant is the widow of the late Rear-Admiral Chandler, a distinguished officer who served continuously from 1845 till his death, in 1889, when he died from sun-stroke while on duty in Japan.

The claimant is fifty-seven years of age, and has no other means of support than her pension of $30 per month and the income of a small property valued at not exceeding $2,500. She has one minor son and a minor daughter, both of whom are to a considerable degree dependent on her for support. In view of the distinguished services of her late husband, the age and financial condition of the claimant, and the numerous precedents for such legislation, your committee favorably report 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 P. WITT.

The next business on the Private Calendar was the bill (H. R. 5585) granting a pension to William P. Witt.

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 P. Witt, late of Company B, Seventeenth Regiment of Kansas Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5585) granting a pension to William P. Witt, submit the following report:

Claimant enlisted July 13, 1864, as sergeant of Company B, Seventeenth Regiment of Kansas Volunteers, for the term of one hundred days. Claim for pension rejected in the Pension Office because of claimant's inability to prove origin and connect present disability with service.

Claimant states that he was taken sick at Camp Curtis, near Leavenworth, Kans., with camp diarrhea. Two of his comrades testify to his sickness at Camp Curtis, and the physician who was called to treat him immediately on his return from the service states that he (claimant) was seized with liver complaint and yellow jaundice, with finally rheumatism supervening, and had quite a protracted and serious confinement for six weeks or more.

The board of examining surgeons at St. Joseph, Mo., under date of July 9, 1884, report claimant entitled to one-half rate of pension.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and 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.

HENRY G. HEALY.

The next business on the Private Calendar was the bill (S. 789) granting a pension to Henry G. Healy.

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 Henry G. Healy, late lieutenant-colonel of the Sixty-fifth New York Volunteers, at the increased rate of $50 per month, in lieu of the pension he is now receiving, subject to the provisions and limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 789) granting an increase of pension to Henry G. Healy, submit the following report:

That the facts are clearly set forth by the Senate report, which is adopted by this committee. The report is as follows:

"The Committee on Pensions, to whom was referred the bill granting an increase of pension to Henry G. Healy, have examined the same and report:

"This claimant enlisted as captain in the Sixty-fifth New York Volunteers, was promoted to the rank of major, which grade he held on the incurrence of the disabilities for which pensioned. Subsequently he was promoted to and mustered as lieutenant-colonel and then to colonel.

This claimant is in receipt of a pension at the rate of $25 per month by reason of disability from gunshot wound of back and total deafness of left ear and sense of sight, being pensioned for the total rate, for the rank he held in the service at the time of the incurrence of the pensionable causes. The Commissioner of Pensions on application for increase refused to favorably consider the same, for the reason that under the existing law that rate for several disabilities can not be combined further than to allow total rate for the rank held at the date of incurrence. From this decision the soldier appealed to the honorable Secretary of the Interior, who, in affirming the decision of the honorable Commissioner of Pensions, makes use of the following language:

"'He is entitled to $25 per month for the deafness alone, and is rated at total for his rank as major for the gunshot wound of the back. It therefore appears that in the absence of either one of the pensionable causes he would still be entitled to the rate he is now receiving for the other. Prior to the passage of the act of August 27, 1888, increasing the rates of pensions for deafness, he was in receipt of $25 per month, by reason of other disability (gunshot wound of the back); consequently no benefits were derived by the soldier from the passage of said act.

"'The soldier has exhausted all of his rights and remedies under the general law; *i. e.*, under existing laws he can not receive any higher rating than $25 per month for the disability existing and resulting from the pensionable causes.

"The evidence filed shows the soldier to be totally and wholly incapacitated for the performance of any and all manual labor and that he is entirely dependent on his pension for support and maintenance; that during more or less of the time each year he is confined to his bed, under the care of a physician, needing attention, and that he is dependent on those not legally bound to support him. That we are of the opinion that this degree of disability and helplessness is directly attributable to his army service, and in connection with the fact that he is entirely without property or income from any source and without the physical ability to earn one, 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.

THEODORE GARDNER.

The next business on the Private Calendar was the bill (S. 2733) granting a pension to Theodore Gardner.

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 Theodore Gardner, and pay him a pension at the rate of $30 per month, in lieu of that which he now receives.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 2733) granting a pension to Theodore Gardner, submit the following report:

That the Senate report clearly sets forth the facts in this case and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 2733) granting a pension to Theodore Gardner, have examined the same and report:

"A similar bill was introduced in the last Congress, and was favorably reported, which report is adopted and is as follows:

"'Theodore Gardner, late sergeant of the First Battery, Kansas Volunteers, was pensioned under special act, approved June 18, 1878, at the rate of $8 per month, for double scrotal hernia. The rating now under the pension laws, as shown by Digest, page 309, for double scrotal hernia may be from $12 to $17 per month.

"'The pensioner made application for such increase under provisions of general law, and his application was rejected under section 5 of the act of July, 1882, which provides: 'That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.'

"'As the act under which the soldier was pensioned fails to state that his pension therein granted was in addition to that which he would be entitled to receive under the general law, he asks for the passage of this act in order that he may receive the increased rating now granted for like disability to pensioners under the general law.

"'It is apparent that the present rating is not as much as he is entitled to in his present condition, and also that his disability is increasing.

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

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

MARIAH L. POOL.

The next business on the Private Calendar was the bill (S. 798) granting a pension to Mariah L. Pool.

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 Mariah L. Pool, an army nurse during the late war of the rebellion, and pay her a pension of $12 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 798) granting a pension to Mariah L. Pool, submit the following report:

That the Senate report clearly sets forth the facts and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 798) granting a pension to Mariah L. Pool, have examined the same and report:

"This bill proposes to grant a pension to Mariah L. Pool, an army nurse, at the rate of $12 per month. Miss Pool entered the service under the direction of Miss D. L. Dix, in October, 1862, and was assigned to duty in the Hammond General Hospital, Point Lookout, Md., and remained there over a year, and was given permission to return to her home to recuperate her health. She is now seventy years of age and an inmate of a home for aged women in California.

"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.

MARY KINNEY.

The next business on the Private Calendar was the bill (S. 820) granting a pension to Mary Kinney.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Kinney, an army nurse during the late war of the rebellion, and pay her a pension of $12 per month.

Mr. ALLEN, of Michigan. Mr. Chairman, that seems to be a very plain case, and, unless some gentleman objects, I suggest that the reading of the report be omitted so as to save time.

Mr. COBB. I object.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 820) granting a pension to Mary Kinney, submit the following report:

That the Senate report in this case is adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 820) granting a pension to Mary Kinney, have examined the same and report:

"A careful examination of the papers accompanying this bill shows that Miss Mary Kinney was commissioned in 1861 by James E. Yeatman, president of the Western Sanitary Commission and duly authorized agent of Miss D. L. Dix; that she was regularly detailed for hospital work at Corinth, Miss., and Memphis, Tenn., under Dr. Irving. She served as directed, and we recommend the passage of the bill."

The CHAIRMAN (Mr. KILGORE). The question is upon laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. COBB. I am not very familiar with the pension laws and I desire to inquire whether there is any general law for pensioning army nurses.

Mr. MORRILL. There is no such law. The only way of pensioning them is by special act.

Mr. COBB. Then, Mr. Chairman, it seems to me that we ought to hesitate about passing bills of this character.

Mr. SHIVELY. Because there is no general law?

Mr. COBB. Yes.

Mr. SHIVELY. If there was a general law we would not need to pass special acts.

Mr. COBB. Because there is no general law covering a whole class, is it right or proper that we should take up special individuals in that class and pension them from time to time by these special acts? If army nurses ought to be pensioned as soldiers are pensioned, why not pass a general law to that end and not have each one of these nurses who supposes that she is entitled to have a pension coming here for a special act? I shall not object to the consideration of this bill, but I will ask a vote upon it.

Mr. MORRILL. Mr. Chairman, if the gentleman had had the same experience on the Committee on Invalid Pensions that some others have had he probably would not have made the remarks he has just made. We have for months been carefully considering the question of a general bill for pensioning army nurses, but so far we have been utterly unable to frame a measure which would not let in a large class of persons who are not deserving, and we have thought it better to take up each individual case, examine it carefully, and report favorably only those which we have found meritorious, than to pass a general act which would necessarily include a large class of non-meritorious cases.

Upon examination of the records at the War Department it has been found that a large number of women were employed in the Army; some as cooks, some as laundresses, some as matrons in hospitals, and we have been unable to frame a general bill for nurses which would exclude those, because the records were not kept in such a manner as to show definitely what the duties of these women were. Finding ourselves unable to frame a satisfactory general law, we have preferred to take up and report those cases that we believe to be meritorious and ask the House to act upon them in this way by special acts.

The CHAIRMAN. The Chair understands that the gentleman from Alabama [Mr. COBB] does not object to this bill being reported to the House favorably.

Mr. COBB. I will not object.

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

MAGGIE STAUFFER.

The next business on the Private Calendar was the bill (S. 798) granting a pension to Maggie Stauffer.

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 Maggie Stauffer, an army nurse during the late war of the rebellion, and pay her a pension of $12 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 795) granting a pension to Maggie Stauffer, submit the following report:

That the Senate report clearly sets forth the facts and is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 796) granting a pension to Maggie Stauffer, have examined the same and report:

"Miss Maggie Stauffer was appointed a nurse under the authority conferred upon Miss D. L. Dix, and her certificate of appointment bears date February 17, 1863. She was discharged from the service May 24, 1865, by reason of 'discontinuance of hospital.' On the back of her discharge, J. M. Study, surgeon, in charge of Adams General Hospital, Memphis, Tenn., under date of May 31, 1865, says:

"'Miss Maggie Stauffer has been connected with this hospital for more than two years, during which time she has performed her duties in the most satisfactory manner. Miss Stauffer I consider a lady in every sense of the word, and therefore most cheerfully commend her to the favorable consideration of any whom it may concern.'

"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.

LUCY A. COFFIELD.

The next business on the Private Calendar was the bill (S. 1729) granting a pension to Lucy A. Coffield.

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 Lucy A. Coffield, an army nurse, and pay her a pension of $12 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1729) granting a pension to Lucy A. Coffield, submit the following report:

That the Senate report sets forth the facts in this case, and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1729) granting a pension to Lucy A. Coffield, have examined the same and report:

"The claimant under this bill is now seventy-three years of age. She was matron in Van Buren Hospital, at Milliken's Bend, La., from April, 1863, to August, 1863. Mrs. M. A. Bickendyke, in an affidavit dated December 17, 1889, swears that Lucy A. Coffield was a good and faithful nurse, and gave satisfaction both to the medical director and the surgeon in charge of the hospital. Her health was completely broken down by the arduous duties attending her hospital work in that unhealthy climate.

"Your committee feel justified in recommending the passage of the bill."

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

MRS. M. A. HOOPER.

The next business on the Private Calendar was the bill (S. 786) granting a pension to Mrs. M. A. Hooper.

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. M. A. Hooper, widow of Charles Hooper, deceased, late captain of Company A, Seventh Regiment New Hampshire Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 786) granting a pension to Mrs. M. A. Hooper, submit the following report:

That the facts in this case are clearly set forth in the Senate report, which is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 786) granting a pension to Mrs. M. A. Hooper, have examined the same and report:

"The husband of the claimant under the bill was captain of Company A, Seventh New Hampshire Volunteers, who was pensioned for gunshot wound of right shoulder, at $15 per month. After his death, which occurred from congestion of the lungs, his widow made application for continuance of pension. This was rejected on the ground that 'the soldier's death from congestion of lungs was not due to the gunshot wound of right shoulder, as alleged.'

"Dr. J. P. Graham, who attended Captain Hooper in his last illness, states under oath:

"'He was laboring under very severe engorgement of lungs at times from the effects of a gunshot wound received, as I verily believe, in the service. The ball had passed through the upper part of the chest, penetrating upper part of lung. I prescribed for him frequently from that time until his death. * * * Soldier was a man of sober and temperate habits, and his disability was not aggravated in the least by intemperance. Said Charles Hooper died of pneumonia, which was rendered fatal in consequence of said wound. It is my judgment that said soldier's death was caused by said wound, and that he would have recovered had it not been for said wound.'

"As between the somewhat speculative judgment of the medical director of the Pension Bureau and the practical judgment of the attending physician as to the point of connection between the soldier's wound and his death, the com-

mittee feel impelled to be governed by the latter; and they therefore report the bill favorably and recommend its passage."

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

LUCY I. BISSELL.

The next business on the Private Calendar was the bill (S. 797) granting a pension to Lucy I. Bissell.

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 Lucy I. Bissell, an army nurse during the late war of the rebellion, and pay her a pension of $12 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 797) granting a pension to Lucy J. Bissell, submit the following report:

As the Senate report clearly sets forth the facts in this case, it is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 797) granting a pension to Lucy I. Bissell, have examined the same and report:

"The papers accompanying this bill show the claimant was regularly appointed hospital nurse of the Twenty-second Regiment Illinois Infantry July 13, 1861, and performed her arduous duties faithfully. Henry Dougherty, colonel of the Twenty-second Illinois, certifies that Miss Bissell, even under most discouraging circumstances, has been unwavering and faithful in the performance of her duties, and that she has never received any pay from the Government or otherwise. A flattering testimonial is given by John C. Norton, assistant surgeon, United States Volunteers, in charge of general hospital No. 3, Paducah, Ky., under date of September 24, 1863. Her appointment by Miss Dix, and assignment to duty at Benton Barracks, Mo., February 29, 1864, and her transfer to Jefferson Barracks July 25, 1864, completes the record; and 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.

MARTHA F. WEBSTER.

The next business on the Private Calendar was the bill (S. 763) granting a pension to Martha F. Webster.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha F. Webster, widow of Lewis Webster, late lieutenant of Company K, Sixteenth Regiment Michigan Volunteer Infantry.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 763) granting a pension to Martha F. Webster, submit the following report:

The facts in this case are clearly and fully set forth in the Senate report, which is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 763) granting a pension to Martha F. Webster, have examined the same and report:

"The claimant under this bill is the widow of Lewis Webster, deceased, late first lieutenant of Company K, Sixteenth Regiment of Michigan Volunteers. The soldier enlisted on the 6th day of November, 1861, and was honorably discharged on the 8th day of December, 1862. In a formal application for pension, he alleged that he contracted chronic diarrhea and indigestion at or near Yorktown, Va., in May, 1862, and that at the seven days' fight near White Oak Swamp, on the march and during the night, he received a fall which caused a compound rupture.

"The Commissioner of Pensions rejected the claim on the ground 'that the alleged dyspepsia existed prior to enlistment, * * * and the claim for chronic diarrhea on the ground that it was due to the alleged dyspepsia and not to his military service.'

"The claim for alleged double hernia was also rejected on the ground that the reports from the records of the War Department and the evidence obtained by a special examination of the case fail to show origin or existence of the same in the service and line of duty. Since the introduction of this bill, however, the Commissioner of Pensions has caused a careful re-examination of the claim, and has concluded to allow the claim for hernia from the date of filing the original application, February 4, 1882, to March 22, 1883, the date of the death of the soldier.

"The soldier died of paralysis, and under the opinion this result was caused or due to army service. The committee recommend the passage of the bill."

Mr. HILL. I wish to inquire what amount of pension this bill will carry.

Mr. MORRILL. Seventeen dollars if the soldier was a first lieutenant; $15 if he was a second lieutenant.

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

MARY J. FOSTER.

The next business on the Private Calendar was the bill (S. 779) granting a pension to Mary J. Foster.

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, subject to the provisions and limitations of the pension laws, the name of Mary J. Foster, widow of Milton S. Foster, late a private of Company A, Fifth Regiment Kansas Cavalry.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 779) granting a pension to Mary J. Foster, submit the following report, as adopted by the Senate:

The claimant in this case is the widow of Milton S. Foster, of Company A, Fifth Kansas Cavalry, who enlisted August 4, 1861, and was discharged April 20, 1865. In her declaration for pension she declares that her husband contracted catarrh in the service and died therefrom December 16, 1872. The case was rejected on the ground that the soldier's fatal disease was consumption, and it was not proven to have been due to his military service. The prisoner-of-war records show that he was captured at Marks Mills April 26, 1864, and released at Red River Landing February 26, 1865. The Assistant Surgeon-General United States Army reports that no hospital records of the Fifth Kansas Cavalry were ever on file in his office, so the claimant is unable to show by the hospital records the incurrence of the disease in the service.

A. Thomas testifies that Foster was a strong, healthy man at the time of his enlistment, and that the exposure and hardships of his prison life were the main cause of his injury, which afterwards resulted in his death; that he knew him after the war, and that his constitution was completely broken down.

Other witnesses testify to his robust health at the time of his enlistment, and that he was broken down in health at the time of his discharge.

The evidence submitted to your committee seems to establish the fact at the time of his discharge from the service that he was suffering from catarrh in the head, which gradually increased until the bones of his face began to decay, and until, as one witness testifies, it seemed as though the whole inside of his head was rotten.

His death was caused by consumption, which your committee are satisfied was the natural sequence of the diseased condition of his head, and they therefore recommend the passage of the bill.

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

FRANCIS E. SMITH.

The next business on the Private Calendar was the bill (S. 1577) granting a pension to Francis E. Smith.

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 Francis E. Smith, late lieutenant of Company H, Fifteenth Regiment of Kansas Volunteer Cavalry.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1577) granting a pension to Francis E. Smith, submit the following report:

That the Senate report clearly and fully sets forth the facts in this case, and is therefore adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill granting a pension to Francis E. Smith, have examined the same and report:

"This claimant was enrolled as a private August 1, 1863, and was mustered into the United States service October 12, 1863, at Fort Leavenworth, Kans., as second lieutenant of Company H, Fifteenth Regiment Kansas Volunteer Cavalry. On April 11, 1881, he made application for a pension, alleging that he 'contracted rheumatism and bronchitis at Fort Leavenworth, Kans., about September 1, 1863.' The claim was rejected by the Commissioner of Pensions on the ground 'that the claimant was dishonorably discharged from the military service on account of inefficiency and neglect of duty, as shown by the records of the War Department.'

"The claimant alleges further that while on duty at Fort Larned, in the State of Kansas, he was entirely disabled from the performance of duty, and while under order of his captain he was sent home to Chase County, Kansas; the disease continued in connection with pulmonary complaints contracted at the same time and place; that he was in the hospital at Fort Riley, Kans., about March, 1864, and at Fort Larned, Kans., about July, 1864.

"Fred P. Drew, acting assistant surgeon, United States Army, in a certificate dated Fort Riley, Kans., March 7, 1864, states that after a careful examination of Second Lieut. Francis E. Smith, of Company H, Fifteenth Kansas Cavalry, he finds him suffering from chronic bronchitis, accompanied with aphonia and in consequence is unfit for duty.

"Henry Penrod, of Lyon County, Kansas, swears that he first knew Francis E. Smith in the year 1861, in Lyon County, Kansas, at which time he appeared to be an unusually strong and robust man, and never knew or heard of said Smith being sick or complaining before he went into the Army; that he saw said Smith at different times during the war, and never heard him complain in any manner until the latter part of 1863; that he saw him on his return from the Army; he was then unable to do hard work; that he has known him ever since, and that he has often been incapacitated from business.

"The reputation of this affiant is officially vouched for as good by the postmaster at Emporia, Kans.

"S. E. Yeaman, of Chase County, Kansas, swears to an acquaintance commencing in 1858; that he was an unusually strong and robust man, and corroborates fully the affidavit of Mr. Penrod. Yeaman is vouched for as a reliable man by the postmaster at Elmdale, Kans. Col. Samuel N. Wood, a resident of Topeka, Kans., swears to an acquaintance commencing in 1859; that he worked for affiant and lived in his family, and was in good health; saw him daily until May 14, 1861, when affiant entered the Army; returned home in August, 1862, and knew claimant intimately until his enlistment in the Fifteenth Kansas Cavalry in 1863; he did not have rheumatism or bronchitis at that time; knew nothing of his physical condition after his enlistment until in July or August, 1864, when he came home from the Army; he was at this time suffering from rheumatism, and had a dry, hacking cough and physically was in bad condition. In answer to an office letter, the postmaster at Topeka, Kans., says: 'Mr. Wood's reputation is good.'

"John E. Dietrich, private, swears that he knew claimant prior to his enlistment and that in his belief he incurred rheumatism and bronchitis as alleged.

"J. B. Mann swears that from 1858 or 1859 to 1864 the claimant was an unusually strong man; that in 1864 was in the same company and that Smith was unfit for military duty and had to be hauled part of the way, on account of rheumatism.

"The widow of Moses Lacy swears that her husband treated said Smith professionally during the year 1865.

"Dr. J. W. B. Hewett swears to treatment of said Smith during the year 1866 'for rheumatism and bronchial difficulty.'

"Dr. W. A. Carmack swears that he examined F. E. Smith in June, 1866, and found him afflicted with bronchitis complicated with aphonia, and have treated him frequently for the same from 1866 to the present date, December 2, 1881.

"Medical examinations held at Emporia, Kans., under date June 7, 1882, rate him for rheumatism at one-fourth total, for bronchitis at one-fourth total, and for varicose veins at one fourth total. Under date August 27, 1884, same board rates him for rheumatism and bronchitis at one-half total. The board at Independence, Kans., under date of January 19, 1887, rates him for rheumatism at one-half total, and for bronchitis at one-half total.

"A careful review of the facts here presented show conclusively that the claimant was a sound man prior to his enlistment; that during his term of service he was afflicted as alleged, and at the time of leaving the Army he was in such a physical condition as to be unfit for the performance of duty. Continuance is abundantly shown, and your committee feel justified in recommending the passage of the bill."

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

JOHN K. EVANS.

The next business on the Private Calendar was the bill (S. 776) granting a pension to John K. Evans.

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 on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John K. Evans, late lieutenant Company C, Second Eastern Shore Maryland Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 776) granting a pension to John K. Evans, submitted the following report:

The Senate report very clearly and fully sets forth the facts in this case, which is adopted by this committee.

SENATE REPORT.

The claimant, John K. Evans, entered the service of the United States as second lieutenant of Company C, Second Regiment Eastern Shore Maryland Volunteers, October 9, 1861, and was honorably discharged October 28, 1864. On April 12, 1884, he made application for pension, and in his declaration he alleges:

"That at Falling Waters, Md., about July, 1863, he accidentally fell down the side of the mountain, fracturing his right leg above the knee."

The War Department reports "no record of the alleged disability."

Alexander Winsome and John W. Whittington, comrades, testify to incurrence of the alleged disability as set forth by claimant. Their presence at the time is verified by adjutant-general, and credibility established. Corporal John R. Webb, comrade, swears to incurrence as alleged, "from information and knowledge gained at the time." His presence is verified by adjutant-general and fair reputation.

Isaiah Drake, M. D., swears to an acquaintance with claimant of about six years:

"First knew him in 1878, and treated him during the summers of 1878 and 1879 for fracture of the right leg and knee; his leg was ulcerated and discharging a great deal of pus, and the scent was very offensive; claimant's general health was not good; he was very feeble, the wound in his leg was very much inflamed, and he seemed to suffer the most excruciating pain. * * * Affiant can't give dates of treatment for the reason that he never charged soldiers for his professional services, and made no entries in his books and received no pay, and don't expect any. During period of treatment claimant was totally disabled; for about two years after affiant discharged him he was able to perform about one-eighth of an able-bodied man's labor. At the time his knee was totally stiff."

George W. Neville, M. D., became acquainted with claimant in 1875. Can't say he treated the soldier:

"Looked at his leg several times, and prescribed for him several times: Diagnosis: A fracture of right os femur, affecting the knee-joint, also necrosis of the right femur; it discharges a very offensive pus, causing him great pain, incapacitating him for manual labor entirely one year, and indeed greatly disqualifying him all the time for manual labor."

R. P. Jump, M. D., swears to an acquaintance with claimant from 1863 to 1873, and was an intimate friend; does not know when he enlisted, but so far as his knowledge goes he was perfectly sound before the war.

"Treated him from 1866 to 1873; first treatment was for neuralgia near right knee, which, in opinion of affiant, was caused by gunshot wound. The pain was often so severe that he could not perform labor of any kind for days at a time. Often used hypodermic injections of morphia, which would give temporary relief; * * * thinks claimant was disabled for the performance of manual labor one-fourth of the time."

Dr. Cooper, the regimental surgeon, in response to an office letter, states:

"Have no recollection of any injury of any moment sustained by claimant; * * * thinks was certainly not fractured, or he would have had some recollection of it."

The board of examining surgeons at Newton, Kans., May 21, 1884, "consider his disability equivalent to the loss of a limb, and rate him at third grade."

On June 26, 1886, Special Examiner A. M. Legg gives it as his opinion "that the claim is meritorious," and recommends further examination.

Rodney Chipp, special examiner, says there is evidence to show that there was a serious injury to leg and the existence of running sores prior to the service, and that they would not take him in one company owing to his sore leg; also existence of sore leg in service prior to date of alleged incurrence. He regards the evidence of incurrence in the service as of very little value, as each of the witnesses had a synopsis furnished him by claimant, which set forth exactly what claimant wanted. The examiner is of the opinion that there is no merit in the claim. This special examination, which embraced seventeen witnesses, whose testimony was mostly favorable to the claimant, developed four or five witnesses, and one of them a brother of claimant, who swear very positively to an injury prior to enlistment, which resulted in a sore leg and a running sore; and upon this adverse testimony the examiner reached his conclusion, as above stated.

John F. Fitzpatrick, special examiner, concludes his report by expressing the opinion "that claimant was injured and had a sore leg prior to enlistment, and recommends that the claim be rejected instanter;" and on November 29, 1886, the Commissioner of Pensions rejected the claim on the ground that the injury to right leg existed prior to his enlistment, as shown by evidence obtained during a special examination.

This soldier served a period of three years in the Army, was a good soldier, and notwithstanding the adverse testimony developed by these special examinations, and no hospital record except a furlough to go home after the alleged injury to his knee, to-day he is wholly unable to perform manual labor.

Your committee recommend the passage of the bill.

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

DOBSON AMICK.

The next business on the Private Calendar was the bill (S. 448) granting a pension to Dobson Amick.

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 Dobson Amick, of Texas County, Missouri, a teamster in the late war, who was wounded three times and disabled.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 448) granting a pension to Dobson Amick, submit the following report:

That the Senate report clearly sets forth the facts in this case, and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 448) granting a pension to Dobson Amick, of Texas County, Missouri, a teamster in the late war, have examined the same and report:

"That it sufficiently appears from the evidence that the claimant was a teamster in the employment of the Government in the year 1865.

"That while on the road driving his wagon in a train loaded with Government supplies for Springfield, Mo., then in the possession of the United States forces, on the 8th of March, 1865, while on duty, a detachment of the enemy fired from the woods near Sand Springs, on the road from Raleigh to Springfield, and shot said Dobson Amick three times. One bullet entered the right side, passed through, and came out at the left side of his chest; one in the right arm, and one in the right hip, which went into the body, and is the most serious. The claimant was hauled to the nearest United States hospital, and was there treated by a surgeon of the Army for six weeks.

"He recovered from his wounds, but was not able to do any further duty. The disability from his wounds has been ever since, and yet continues, such as to disable him from manual labor.

"This claim has been rejected by the Pension Office for the reason that the general law did not include teamsters as enlisted men in the service. We are of the opinion that this man incurred all the risk of a soldier in battle while in line of duty, and that he has suffered from wounds received in the cause if not in the technical military service of the country, and 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.

J. M. STEVENS.

The next business on the Private Calendar was the bill (S. 1735) granting a pension to J. M. Stevens.

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 J. M. Stevens, late private Company A, Forty-ninth Pennsylvania Volunteer Infantry.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1735) granting a pension to J. M. Stevens, submit the following report:

John M. Stevens enlisted in Company A, Forty-ninth Regiment of Pennsylvania Volunteer Infantry, on the 19th day of August, 1861, and was discharged on a surgeon's certificate of disability March 7, 1862.

On October 10, 1883, he made formal application for pension, alleging that at Camp Griffin, Virginia, in September, 1861, he contracted malaria by camping in a swamp, and claims pension for general debility resulting from such cause, and in a subsequent declaration, filed March 26, 1886, he alleges rheumatism in October, 1861, at Lewinsville, Va.

Robert Martin testifies to prior soundness, and also states that after the war he knows of the poor health of the claimant.

Thomas Dehaas swears to an acquaintance with Stevens since 1864, and that he was not able to do more than one-fourth of an ordinary man's work. * * * He was constantly complaining of poor health.

John Toynbee considers Stevens almost entirely unable to do manual labor. * * * Would not give him his board for what he is able to do.

William O. Stearns swears that Stevens "is unfit to do manual labor. * * * Complaining all the time."

Dr. S. B. S. Wilson states "disability is total." Dr. J. Q. Egleston states that he is probably unable to perform any manual labor during the colder seasons of the year, and during the summer perhaps one-fourth. J. B. Armstrong, examining surgeon at Gardner, Kans., reports his disability at three-fourths. The board at Ottawa, Kans., under date of March 7, 1888, rates him at seven-eighteenths. The claimant was a sound man at enlistment; he has been in miserable health ever since his discharge from the Army. He is in extreme poverty, and 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.

JAMES E. KABLER.

The next business on the Private Calendar was the bill (S. 773) granting a pension to James E. Kabler.

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 E. Kabler, late a private in Company I, Tenth Regiment Kentucky Cavalry Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 773) granting a pension to James E. Kabler, submit the following report:

That the facts in this claim are clearly and fully set forth in the Senate report, which is hereby adopted. The report is as follows:

A similar bill passed both Houses of the Fiftieth Congress and failed to become a law by reason of the veto of the President. The facts are fully set forth in the accompanying report.

REPORT.

James E. Kabler, the claimant under this bill, enlisted as a private soldier in Company I, Tenth Regiment Kentucky Cavalry Volunteers, on the 10th day of August, 1862, and was discharged September 17, 1863.

On May 18, 1870, he made application for pension, alleging in his declaration "that on December 7, 1862, at Ashland, Ky., he contracted quinsy of the jaws and throat, caused by exposure while in the line of duty."

The claimant swears "that the quinsy has affected his whole system, causing him to break out in sores over his body, and while so broken out he is unable to perform manual labor. These spells occur in the spring and fall and lay him up one or two months each time, and that he has been disabled one-half since discharge;" * * * "that he is unable to furnish further medical testimony."

The Surgeon-General reports him sick November and December, 1862. Dr. J. F. Fleming, regimental surgeon, swears to treatment of claimant for an affection of the throat, of the nature of quinsy, from September to December, 1862.

Lieut. George L. McCord swears that claimant contracted quinsy of the jaws and throat by reason of exposure at Ashland, Ky., December, 1862.

Dr. R. Wells swears that claimant was free from disease when he entered the service, and that he has treated him for quinsy of the jaws and throat from September, 1866, to March 29, 1871.

F. F. Asbury and B. F. Henderson swear that claimant suffered from and was afflicted with quinsy of the jaws and throat from the time of his discharge to September, 1866, and is suffering from the same at the present time.

Dr. Shackelford, medical examiner, rates him, under date of November 10, 1870, at one-fourth.

Dr. Gaston Boyd, Newton, Kans., April 1, 1874, finds "no disability."

Comrade Robert Cooper swears that he knows claimant had quinsy of the throat and jaws at date of discharge, as he was a messmate of claimant and has personal knowledge of the fact. This is corroborated by Comrade Mason Cooper.

Drs. Henry Owens and P. A. Medlin, Wichita, Kans., swear to an examination of claimant, and find him suffering from an affection of the throat and

jaws, which disables him one-half from the performance of manual labor, and that they believe his disability to be the effects of quinsy.

Drs. R. Wells and Nathan Wells, same as above.

Joseph E. Willis, Henry Vandewarker, and Josiah Porter, neighbors, testify to continuance: * * * that he is frequently confined to his bed, * * * and totally incapacitated for the performance of manual labor one-fourth of the time, * * * and that his condition is such that he ought not to labor at all.

On December 21, 1881, he was examined by the Wichita board, who report "no disability from that cause" (quinsy). Dr. James R. Duncan, medical examiner, Newton, Kans., March 21, 1883, says:

"The claimant is partially incapacitated for obtaining his subsistence by manual labor * * * and that the disability is probably permanent, * * * and in obedience to special instructions he rates only for quinsy one-fourth."

The Commissioner of Pensions rejected the claim August 25, 1882, on the ground of no disability, due to results of quinsy, on account of which pension is claimed, since date of soldier's discharge.

The testimony shows that the disability was contracted in the service and its continuance clearly established; he is now poor and scarcely able to earn a support for himself and family, and we therefore report the bill favorably, with the recommendation that it pass.

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

THEODORE M. PIATT.

The next business on the Private Calendar was the bill (H. R. 1284) granting a pension to Theodore M. Piatt.

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 Theodora M. Piatt, widow of Benjamin M. Piatt, late a captain and assistant adjutant-general of United States Volunteers, in the sum of $50 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1284) granting a pension to Mrs. Theodora M. Piatt, submit the following report:

This or a similar bill was favorably reported in the Fiftieth Congress, and your committee adopt the same report, as follows:

Benjamin M. Piatt, husband of Theodora M. Piatt, enlisted in the late war in 1861 as a volunteer, and was appointed assistant adjutant-general with rank of captain in the volunteer army on the 16th of May, 1862; promoted brevet major and major March 2, 1865, and honorably mustered out November 22, 1865.

Entered the regular Army as second lieutenant in the Forty-fourth United States Infantry, Veteran Reserve Corps, because not able to accept appointment of first lieutenant in the Twenty-fifth Regiment (active); promoted July 2, 1867, first lieutenant by brevet "for gallant and meritorious services in the battle of Chancellorsville," and to captain by brevet "for gallant and meritorious services in the battle of Gettysburgh." Major Piatt seems to have been a great sufferer from a lame leg and general ill-health, and was a great sufferer after he was retired, and finally his mind gave way and in a moment of mental aberration he committed suicide on the 17th day of April, 1885, leaving a large and helpless family.

In his application for retirement we glean the following facts in regard to his disability. He says:

"I have had from my birth a slight lameness in my leg and foot. This lameness never materially disqualified me for active exercise of almost every sort, and until after a long, severe, and extremely debilitating sickness in 1862, my ankle joint never had the weakness it now has. Upon entering the volunteer army I was able to walk 10 or 15 miles a day without the use or necessity of a cane or any sort of assistance, and I believe I could do the same to-day but for the effects of what I have suffered in the service. I walked at fourteen months old, and was employed in my father's business (farming) as long as I remained at home.

"In the month of July, 1862, at Winchester, Va., I was prostrated by a violent attack of fever, accompanied by severe rheumatism, and was ill from that time until the latter part of August, when, believing myself able to return to duty, and being very anxious to join my brigade commander at Bull Run, I left Alexandria, Va., with a regiment of infantry and a battery of artillery that were under orders to report to General A. S. Piatt, then commanding a brigade in General Sturgis's division. I went with these troops, I think, on the 1st of September, notwithstanding my great weakness and debility, as far as Fairfax Court-House, where we met the army. We remained near Fairfax that night, and I was for many hours exposed to terrible storm of rain that fell that night. The next morning I was very ill, but did not stop until I found General Piatt and reported to him the troops I was conducting. We then went to Fort Corcoran, or near it, and from there, after several days of severe illness and pain, I was sent away on sick leave on account of the relapse caused by the exposure to which I had been subjected in my weak condition.

"I was absent nearly a month and returned again to duty, but was still weak, and suffered much pain in my ankle and leg, and, in fact, in all of my limbs and body, but being a mounted officer I was able to perform the usual routine of duty pertaining to my position.

"At the battle of Gettysburgh my horse was shot under me, and I was considerably bruised by the fall, besides which I received several other slight injuries during the battle that I believe still affect me in the use of my foot. I remained on duty in the field, except as herein mentioned, through 1862, 1863, up to about the 1st of May, 1864, taking part during my field service in ten battles, of which the following is a list: Manassas Gap, Fredericksburgh, Chancellorsville, Beverly Ford, Gettysburgh, Wapping Heights, Auburn, Kelly's Ford, Locust Grove, and Mine Run.

"In the spring of 1864 I was relieved from duty in the Army of the Potomac and assigned to duty on staff of General Rosecrans, Depariment of Missouri. Having disposed of my horses before leaving the field, I had a good deal of walking to do after going to St. Louis, and instead of being able to walk, as I had done before the war, I found the tendons of my leg and foot much contracted, and that I could not walk any considerable distance without both pain and fatigue, almost the entire weight being thrown forward and to one side, upon the ball of the little toe, causing the foot to give way under me at every step, just as it does now, or nearly so. The contracting of the tendons and muscles is, I think, at least an inch.

"The leg has diminished considerably in circumference and I can scarcely estimate the loss of strength or power; certainly it has not one-fourth the action and strength it had when I entered the volunteer army, as at that time I could walk more than four times the distance without a cane that I can now with one, and in addition could walk then free from pain, whereas my foot now becomes tired and sore, and besides my leg and foot are both extremely sensitive to the cold and when thoroughly chilled are almost as powerless as if in a state of paralysis. Believing that I have a just claim to be retired I have submitted this statement. I am now hopelessly lame for life, a condition I believe to be due to my sufferings and labors in the service of my country, in whose behalf I am ready, whenever the necessity may arrive, to lay down my life."

A. Sanders Piatt, late brigadier-general of volunteers, testifies that he has known Beniamin M. Piatt ever since he was seven years old, and up to the time of his enlistment in the Army. Prior to that time he was able to walk 10 or 15 miles a day without difficulty, which he often did on hunting and other excursions. He believes the hardships and exposures of active service in the field have disabled and permanently injured the said Benjamin M. Piatt.

Benjamin R. Runkle, brevet colonel, United States Army, testifies to substantially the same state of facts, as does also H. C. Borden. Dr. M. H. Harding, the family physician of the soldier's father, says he has known Major Piatt for twenty-five years, and although always slightly lame from an early period, he was comparatively active in the discharge of his father's business, and before the war of 1861 never used or seemed to need the use of a cane in walking.

F. W. Egan, colonel Fortieth New York State Volunteers, in concluding his report of the battle of Gettysburgh, says of Major Piatt:

"Too much can not be said of this brave and gallant officer; always cool under the most trying circumstances, and by his courage and example he afforded services that were of infinite value in restoring order to my command. When his horse was shot under him he still remained in the van, always by my side, greatly distinguishing himself by noble conduct."

There are a large number of letters from army officers, generals, colonels, etc., all showing that the soldier was an exceptionally brave and efficient officer.

The following is an extract from official Army Register for January, 1885:

Retired from active service, Piatt, Benjamin M., 2d July, 1867. Brevet captain, July 2, 1867. Disability in line of duty (act August 3, 1861).

Miss Bell F. Hopkins testifies as follows:

"I have resided in the family of the late Maj. Benjamin M. Piatt for the last ten years or more. He was during all that time an exemplary husband and father, with a heart full of kindly impulses for everybody. He lived one of the purest lives, his habits being without the least irregularity and remote as could be from intemperance in every form. His right leg from hip to foot was perishing away, weakening this limb to such a degree that it was very difficult for him to get about upon it. He could walk but a short distance, say five or six squares, without becoming so fatigued as to be obliged to take a car or other vehicle. The limb was very sensitive, and at times quite painful, and was the source of much annoyance to him, frequently disturbing his usually amiable temper and causing some irritability of speech and mind.

"In the latter part of the year 1884, in passing down one of the stairs at the Gibson House, Cincinnati, he tripped and fell to the bottom, a distance of several feet, striking his forehead, over one of his eyes, on the marble floor. He remained unconscious from about 7 p. m. of that day until the next morning. The fall was a heavy one, as the major weighed over 220 pounds, and the forehead, face, and eye were black. From the effects of the fall he never entirely recovered. The side of his face on which he fell was withering away as a result of the fall, and he showed evident signs of softening of the brain. In my opinion, the fall, which was due to the enfeebled and sensitive limb, striking as he did upon his head, did more to cause the condition of mind which resulted in his death than any or all other causes or agencies. After this fall, and up to the time of his death, he complained of being dizzy and light-headed."

The affidavits of a large number of his neighbors who knew him long and well are to the effect that the major was a man of the highest order of morals, that his conduct was exemplary and strictly temperate, and that he was an ardent advocate of temperance.

He was on the retired-list and had not applied for a pension at the time of his death, and no application to the Pension Office has since been made by his widow, as, owing to the manner of his death, she had no hope that an application would be favorably acted upon, and she therefore appeals directly to Congress for the relief she thinks she is justly entitled to.

After a careful consideration of the case, the committee are of the opinion that the death of the major may reasonably be considered to have been the result of the injuries to his limb received while serving in the Army, and in line of duty. In view of the long and valuable services the deceased soldier rendered the Government in its hour of need; the fact that he was retired for disabilities incurred in the Army; the needy condition of his family, and all the incidents leading up to the tragic end of the distinguished soldier, the committee are of the opinion that the relief asked for in the bill ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

Mr. COBB. What is the pension at present paid in this case?

Mr. YODER. There is no pension at the present time. This widow can not get a pension under the general law because her husband committed suicide.

Mr. COBB. What would have been the pension of the soldier?

Mr. MORRILL. That would depend upon the disability.

Mr. COBB. The gentleman is acquainted with the disability. I ask him what would have been the rating of this soldier if pensioned—$50 a month?

Mr. MORRILL. I suppose it would, as he is stated to have been insane and helpless.

Mr. COBB. The report does not say that he was insane, except as insanity may have been evidenced by suicide.

Mr. MORRILL. It says that in a fit of insanity he committed suicide.

Mr. COBB. I would like to know what the rate of pension reasonably would have been if this soldier had himself applied for a pension—whether the rate proposed to be paid to the widow is in excess of what he himself would have been entitled to receive. [A pause.] Mr. Chairman, as I can not get any information about this case, I will object to laying the bill aside.

Mr. YODER. I desire to give the gentleman all the information I can. I have the report here and I am examining it to ascertain what was the rank of this soldier, because upon that would depend the rate of pension. He was, I believe, acting brigadier-general by brevet. If a colonel, he would have received a pension of $30 a month. The bill proposes to pay the widow $50 a month, which, under the circumstances, I think is not unreasonable. This soldier rendered very valuable service. He belonged to the noted Piatt family, distinguished as soldiers and patriots. This man during his insanity sacrificed all his property, leaving his widow destitute with children dependent upon her.

Mr. CARLISLE introduced this bill. The beneficiary lives in Covington, Ky. I am acquainted with all of the facts and know the family. Besides that, there is warrant for this exception, if it be an exception to

the law. There was a bill passed awhile ago giving a widow $50 a month, the widow of a rear-admiral. I think if the gentleman from Alabama knew the facts, or only had time to read the report, he would not object.

Mr. COBB. I do not propose to make any objection to these bills, nor would I do so in a spirit of captiousness in any case, but——

Mr. YODER. If the gentleman will allow me, there is another thing I wish to state. There was a little technicality which prevented this widow from getting a pension in the office. If she had done so she would have gotten arrears, back to the close of the war, from the date of the death of her husband, for a number of years, which would have given her five or six thousand dollars in a lump sum. She does not get that in this bill at all. She only gets the pension fixed in the bill after its passage as long as she remains his widow.

Mr. COBB. The reasons prompting me to interfere here in regard to this bill, are these: I believe whenever an officer or an officer's widow is petitioning here for a pension or for an increase of pension, that as a general rule you find they do not have much difficulty in securing it. We seem to take it as a matter of course that they ought to be pensioned or that their pensions ought to be increased upon application. But when the private soldier applies there is always somebody to object, and I have never been able to understand myself why there should be this broad distinction between the man who bore the heat and burden of the day, who did the greatest amount of service, who endured the greatest hardships, and those who during the war, while they rendered undoubtedly valuable services, were comparatively free from the extreme hardships or privations of it, and often to a certain extent from its dangers. As between these two classes I do not understand why we should discriminate in favor of the one who did not do the hard work.

Mr. FLOWER. I desire to make a statement in behalf of my colleague, now Senator CARLISLE, who is a very careful and prudent man in legislation. This is his bill, and I vote for it because I know he would not present a bill unless he believed as a lawyer that the party was justly entitled to the relief asked upon the face of it. That is the reason I am for it.

Mr. COBB. That is a poor reason.

Mr. FLOWER. Well, it is a good reason for me.

Mr. YODER. Another reason, if the gentleman will allow me, is that we recognize rank in these matters.

Mr. COBB. I understand that.

Mr. YODER. And that is the reason we make a distinction even in general bills.

Mr. COBB. I understand that, and I am not objecting on the principle running through the pension business. But when we come to the matter of special legislation, when there is no general law upon which the pension can be granted, there is a principle of equity, it seems to me, that comes up and should govern our action, and whenever this special legislation is asked for this equity ought to be considered, especially when the amount of pension is to be increased above that which the soldier himself would have received, if he lived, under a general enactment.

Now, I am not objecting to this pension simply that it is higher than pensions are usually given; but the information I desired to arrive at is whether or not there is an effort made here to pension this widow at an amount to which she would not be entitled equitably. That is all. She can not claim more than her husband would have received under the general law according to his rank, if no exception had been made in his case.

Mr. HEARD. And that could not have been over $30 a month.

Mr. COBB. And that, as stated by the gentleman from Missouri, could not be over $30 a month.

Now, why pursue this course of legislation? As I remarked awhile ago, it is true, I understand distinctly, that all rank must be preserved whether we wish it or not; and yet it remains indubitably true that applications on the part of privates for pension are not listened to with the same degree of consideration that we bestow upon the officers. We are apt, when such applications are made on the part of the officers, to say as a reason for the increase that the pension already received is not sufficient to support the family in proper style, as though we were granting a pension on the idea of complete and absolute support by the Government of the pensioner. I do not understand that to be the underlying idea of pension legislation.

I understand it to be only an aid extended by the Government to the recipient of it, not intended to relieve him of the necessity of active effort on his part at all. I think we ought to consider these circumstances and say whether or not a certain amount of aid extended would not be all that the Government could reasonably be required to give. Hence my inquiry as to the amount of pension this bill carried.

Now, I move to strike out "fifty" and insert "thirty."

Mr. YODER. I would ask leave to withdraw that bill until I can consult Senator CARLISLE about it.

The CHAIRMAN. In the absence of objection, the bill will be informally laid aside, not to lose its place on the Calendar.

There was no objection.

ELMORE E. EWING.

The next business on the Private Calendar was the bill (H. R. 4935) to increase the pension of Elmore E. Ewing.

The bill is 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 Elmore E. Ewing, late a lieutenant of Company A of the Ninety-first Regiment of Ohio Volunteer Infantry, war of 1861, to $30 per month, in lieu of the pension now received by him.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4935) to increase the pension of Elmore E. Ewing, having considered the same, report as follows:

The claimant enlisted as a private in Company A, Ninety-first Ohio Volunteers, on the 31st day of January, 1862; was promoted to second lieutenant Company K, of said regiment, June 25, 1863, and to first lieutenant of said company to date August 14, 1864, and was mustered out of the service December 4, 1864.

He was severely wounded in battle, in the line of duty, at Winchester, Va., July 24, 1864. The wound is described by surgeons as follows:

"Ball entered at the point of the left scapula, passed through the left lung, making its exit about 1 inch to the left of the left nipple."

There is a constant oppression in the lung and he is subject to hemorrhages. Any attempt to labor causes nervousness and sleeplessness, and in ascending stairs he suffers severe pain in the region of the heart. As he grows older his disability increases, and, in the opinion of your committee, he is fairly entitled to the pension provided in the bill, and we therefore recommend the passage of the bill.

This claimant's pension has been increased from $10 to $17. At different periods until now he received the full amount allowed for his rank for total disability. His disability is liable to cause death, and it was rejected in the Pension Office because he could not be allowed increase on account of his dangerous condition.

Mr. COBB. This is another case of increase when, according to the report, the pensioner is already receiving the full amount allowed by the general law for total disability; and there is no reason given in the bill why it should be increased.

I dislike to object to the consideration of such cases; and yet it seems to be almost a mockery of legislation to talk about considering special pension acts here; and whether this case ought to be objected to or put to a vote I am doubtful.

Mr. YODER. Let me state to the gentleman that I know the facts in this case. This man is crippled and in bad condition.

Mr. COBB. This is another of the cases reported by you?

Mr. YODER. Yes, sir.

Mr. COBB. Very well; I will not object, but simply ask a vote upon it.

The question being taken, the bill was laid aside to be reported to the House with favorable recommendation.

CHARLES W. KRIDLER.

The next business on the Private Calendar was the bill (H. R. 2804) to increase the pension of Charles W. Kridler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, directed and authorized to increase the pension of Charles W. Kridler, late private of Company A, Fifteenth United States Infantry, to $50 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2804) to increase the pension of Charles W. Kridler, submit the following report:

Charles W. Kridler was a private in Company A, Fifteenth Regiment Ohio Volunteer Infantry; he enlisted September 3, 1861, and was discharged May 16, 1863, by reason of a gunshot wound in the right leg at Pittsburgh Landing, April 7, 1862; his leg was subsequently amputated; his certificate of disability shows that claimant was discharged by reason of disease of the right leg, following gunshot wound. An attempt was made to save the limb, which resulted in the necessity of amputation.

After his discharge he was pensioned in 1865 at $8 per month, which was increased from time to time until at the present time he is receiving a pension of $36 per month.

The condition of the amputated limb and disease in the hip joint, from which he is suffering, is described in the medical certificate by the board of examining surgeons who last examined him, as follows:

"There has been an amputation of the right thigh exactly 7 inches below the lesser trochanter of the femur; the stump is very tender on pressure; there is a tender, depressed, and adherent cicatrix on the posterior aspect of the stump 2 inches wide and 8 inches long, extending from the end of the stump upwards; there is an open sore the size of a five-cent nickel on the inner aspect of the stump just below the right groin; he can wear an artificial leg and has done so for several years; the amputation is not so near the hip joint as to prevent the use of one."

In regard to wearing an artificial leg the claimant says:

"The wearing of an artificial leg irritates the stump and causes a sore on the inner side of it, which gathers and discharges pus three or four times a year, and whenever it does so I can not wear my leg."

The condition of the left leg, resulting from blood poisoning and gangrene in the amputated limb, and abscess in the left hip, are certified to by his family physician, Dr. R W. Hall, his family physician, says:

"I know that he was an able-bodied man at the time of his enlistment in September, 1861, healthy and free from disease. I have known him ever since his return in summer of 1863 from service, at which time he had lost a leg and part of the thigh. He has always suffered from the effect of the injury to his right leg. He stated that he had gangrene in it previous to its amputation, and his appearance and character indicate that he has suffered from blood poisoning. He has never enjoyed full health since.

"I have prescribed for him many times and have been his physician during all the time. He had varicosed veins of the left leg when he returned, and as they gradually grew worse until it resulted in indolent ulcer, which he has supported for thirteen years past, and at times seemed to require almost amputation of the leg to protect his life, but with rest and treatment it got somewhat better, until he commenced to use it again, when it broke out afresh.

"This condition has resulted in debilitating his system until it has seriously affected his lungs, which completely disables him; in fact, he has been unable

to do manual labor of any kind for some years. He also suffers from deafness in the left ear, which he says was contracted in the service. He is now completely unfit to do any manual labor whatever, and entitled to full disability."

Under the present law this man can only receive $36, by reason of the doubt that exists in the minds of the medical department in the Pension Office as to whether the disease of the left leg is the direct result of the injury to the right leg. His application for increase, owing to the deplorable condition of his left leg, has, therefore, been rejected by the Pension Office.

In the opinion of your committee this man is entitled to $72 per month; but inasmuch as there seems to be some doubt as to the cause of the disease of the left leg, in the opinion of your committee this man is clearly entitled to at least $50 per month, as the bill provides. He is poor and in destitute circumstances, and at the most can live but a short time. He is now partially supported by charity, and suffers untold agony; and after a careful investigation of his condition your committee is of the opinion that this is a meritorious claim, and recommend that the bill pass.

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

NORMAN B. PRATT.

The next business on the Private Calendar was the bill (H. R. 7285) granting a pension to Norman B. Pratt.

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 Norman B. Pratt, late private in Company A, of the One hundred and fiftieth Regiment Ohio Volunteers, on the pension-roll, subject to all the provisions and limitations of the pension laws of the United States.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7285) granting a pension to Norman B. Pratt, submit the following report:

Norman B. Pratt, late a private in Company A, One hundred and fiftieth Regiment Ohio Volunteer Infantry, enlisted May 2, 1864, discharged June 27, 1864.

This man was perfectly sound and healthy when he entered the Army.

J. W. Smith, the surgeon of the soldier's regiment, testifies:

"I was surgeon of the One hundred and fiftieth Regiment Ohio Volunteer Infantry in the late war and have some memoranda of the disability of that regiment. By reference I find N. B. Pratt, a private in Company A, was discharged from service because of rheumatism June 27, 1864; I may also say I have personal remembrance of this case, the man and his illness."

Capt. Thomas S. Paddock, the captain of the soldier's company, testifies in an affidavit on file:

"I knew Norman B. Pratt prior to his enlistment. I never heard of his having rheumatism, and I believe that at the time of enrollment he was a sound man. At Washington, D. C., he was taken down with rheumatism in a severe form, and after a number of weeks in hospital he was discharged. Since the war I have met Pratt often and he has always complained of his rheumatism and looked and acted like a man afflicted in that way."

Mr. J. B. Haines testifies:

"I was acquainted with Norman B. Pratt, the claimant, prior to enlistment; I saw him very frequently, and knew him to be a moral, upright man, temperate and truthful, and he always appeared to be in excellent health, in fact, a person in every way far above the average. I do not believe it probable that he could have suffered from rheumatic trouble and me not know it, as our town is small and if a person is sick the whole neighborhood was likely to be informed of it.

"Mr. Pratt was prominent and well known amongst the people of the village, and I think it likely that I would know it if any such fact had existed."

W. T. Weelock testifies:

"I knew Norman B. Pratt well before he enlisted, and I never knew of his having rheumatism prior to his service in the Army."

Charles B. Marble and J. J. Cameron testify that they were both well acquainted with the soldier prior to enlistment, and that he was a sound, healthy man.

This soldier filed his claim for pension December 26, 1886, which was rejected August 1, 1887, upon the ground that the alleged rheumatism existed prior to claimant's enlistment in the United States service. Notwithstanding all the favorable evidence in the case, there seems to have still been a doubt as to the origin of the disease. There is no question, in the opinion of your committee, that the soldier contracted the disease in the service, and that he is still suffering from it.

Your committee recommend the passage of the bill.

Mr. HILL. I would like to inquire how much that bill carries.

Mr. YODER. It simply applies the provisions and limitations of the pension law. No amount is stated. He will be entitled to whatever pension his disability would entitle him to under the general law.

Mr. HILL. I notice that the report does not state the evidence upon which the conclusion of the Pension Office is based that his disability was incurred prior to his enlistment. I infer there must have been some such proof, or else they would not have come to that conclusion, although the report states that the facts seem to be favorable to the claimant. I notice also that this claimant appears to have been in the service only about two months; if I caught the reading of the report correctly, I think he enlisted in April, 1864, and was discharged in July, 1864.

Mr. YODER. The gentleman who introduced this bill and looked up the case is not present, and I am not very well posted with regard to it.

Mr. HILL. I wish you would have that bill laid over until another evening.

Mr. YODER. I would ask the gentleman to withhold that request until we can listen to the report again, to refer to the reason why the claim was rejected.

Mr. HILL. It states that it was rejected upon the ground that his disability, rheumatism, accrued prior to his enlistment, and there is no evidence set forth in the report upon which that conclusion is based.

Mr. YODER. Let me say to you that the fact that the Government accepted a man after a thorough examination, which they all had to undergo, and got his services and accepted them, and found a disability afterwards, and charged it with having been pre-existing prior to the enlistment, is always received with a great deal of doubt by the Committee on Invalid Pensions. The fact that the Government have accepted him as a sound man and afterwards come in and deny him a few dollars, long after the circumstances have occurred and when the evidence is hard to get at, leads the committee to resolve the doubt in favor of the claimant. In this case I remember now there was conflicting evidence, and there was a special examiner went there and some people remembered it one way and some remembered it the other. His claim was rejected on that technical question of doubt.

Mr. CASWELL. The law presumes that he was sound when he went into the service.

Mr. YODER. No, sir; the law presumes that he was lame and unsound, unless he proves the contrary.

Mr. CASWELL. I say the law presumes that he was sound.

Mr. YODER. They construe it that he was disabled and crippled, unless he can prove the contrary, notwithstanding the examining surgeon swore at the time he was sound.

Mr. CASWELL. They should not do that. I agree with you upon that, and I say the law steps in and says that every man is presumed to have been sound.

Mr. HILL. Of course that would be the presumption in the absence of proof to the contrary, but here was proof to the contrary and that proof is not set forth in the report. If it was an ordinary case of a man serving three or four, or even one or two years, I should not raise the point.

Mr. CALDWELL. Could not the man be disabled in two months just as well as in a year?

Mr. YODER. I remember the case now, and there was proof submitted to the committee which showed that the man was sound prior to his enlistment.

Mr. HILL. I really feel as if there was not sufficient before this committee to-night to enable us to discuss this matter intelligently, and I desire that the bill be laid aside for future consideration.

Mr. OWENS, of Ohio. I ask that the report be read again for information, or else that the gentleman from Illinois [Mr. HILL] have the report to examine to see if he will not be satified, and then it may be called up afterwards. Perhaps he will not then insist upon his objection.

Mr. COBB. The facts as I gather them from reading the report are simply these: This man was in the service a few months. He was discharged and went out of the service. He was examined by the Pension Bureau, and from the proof before the pension officers it was decided by them that his disability was incurred before he entered the service. The subsequent examination was confessedly unsatisfactory. It left the case in doubt. Now, the committee say this doubt, if it exists, ought to be given to the claimant instead of giving it to the Government. I do not understand that to be the rule.

When a man asks for a pension, especially one under the operation of a private bill, the burden is upon him to show clearly the circumstances which entitle him to receive it. Now, inasmuch as the Pension Office has once rejected this claim, and we must presume upon satisfactory evidence, for it is not disclosed in the report that it was not, because the report itself states that an examination subsequently had about this matter was unsatisfactory, therefore there are grave doubts as to whether this is a proper case for us to pass upon here in this special and exceptional way. I think it is not, and call for a vote.

The question was put; and the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVER P. MARTIN.

The next business on the Private Calendar was the bill (H. R. 4209) granting a pension to Oliver P. Martin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Oliver P. Martin, late a private in Company I, Seventeenth Regiment Ohio Volunteer Infantry, subject to the provisions and limitations of the existing pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4209) granting a pension to Oliver P. Martin, beg leave to submit the following report:

Oliver P. Martin enlisted as a private in Company I, Seventeenth Regiment Ohio Volunteer Infantry, on the 1st day of February, 1864, and was mustered for discharge at Louisville, Ky., on the 16th day of July, 1865, at Camp Chase, Ohio. His regiment came to Camp Chase, Ohio, where he received his discharge papers, on the evening of July 20, 1865.

On the morning of the 21st of July, the next morning, he with others was ordered to get on a train of cars on the Baltimore and Ohio Railroad, to go to Zanesville, Ohio, and from there to his home; that he got upon the aforesaid train, and when about 16 miles east of Columbus, Ohio, a truck-wheel of the engine broke, causing an accident to the train, and that in the smash-up he was caught between two cars and his right leg was broken about 6 inches below the knee, disabling him from manual labor, and his present physical condition is such that he can do only the lightest kind of labor, suffering much pain in both his right leg and right ankle.

He filed his application in the Pension Office April 23, 1873, and it was rejected by the Department for the reason "that the injury was not received strictly while in the service in the line of duty." There is no doubt, from the evidence submitted and from all the papers now on file, that claimant suffered such injury and is now partially unable to support himself, and that this occurred the next morning after he had received his discharge, but before the Government had returned him to his home or place at which he had enlisted.

This case is similar to that of Henry Canode, favorably reported in the Forty-ninth Congress, first session, report No. 3387, which became a law. In view of

the precedents thus established, and in view of the premises, the committee recommend the passage of the bill.

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

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PERKINS having resumed the chair as Speaker *pro tempore*, Mr. KILGORE reported that the Committee of the Whole on the Private Calendar had had under consideration sundry pension bills and had directed him to report the same to the House with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 7614) granting a pension to W. Zister;
A bill (H. R. 5585) granting a pension to William P. Witt;
A bill (H. R. 1992) to increase the pension of Cornelia R. Chandler;
A bill (H. R. 4935) to increase the pension of Elmore E. Ewing;
A bill (H. R. 2804) to increase the pension of Charles W. Kridler;
A bill (H. R. 7285) granting a pension to Norman B. Pratt; and
A bill (H. R. 4209) granting a pension to Oliver P. Martin.

[Mr. COBB addressed the House. See Appendix.]

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 563) for the relief of Cornelia A. Stanley;
A bill (S. 789) granting an increase of pension to Henry G. Healy;
A bill (S. 2733) granting a pension to Theodore Gardner;
A bill (S. 798) granting a pension to Mariah L. Pool;
A bill (S. 820) granting a pension to Mary Kinney;
A bill (S. 796) granting a pension to Maggie Stauffer;
A bill (S. 1729) granting a pension to Lucy A. Coffield;
A bill (S. 786) granting a pension to Mrs. M. A. Hooper;
A bill (S. 797) granting a pension to Lucy I. Bissell;
A bill (S. 763) granting a pension to Martha F. Webster;
A bill (S. 779) granting a pension to Mary J. Foster;
A bill (S. 1577) granting a pension to Francis E. Smith;
A bill (S. 776) granting a pension to John K. Evans;
A bill (S. 448) granting a pension to Dobson Amick;
A bill (S. 1735) granting a pension to J. M. Stevens; and
A bill (S. 773) granting a pension to James E. Kabler.

ORDER OF BUSINESS.

The CHAIRMAN. Without objection the Chair will recognize alternately on either side gentlemen present to-night that they may call up for consideration by unanimous consent such bills as are in order. The Chair would suggest that if there be no objection the bills can be read and engrossed for a third reading, but not put upon their final passage, with the understanding that the reports will be printed in the RECORD in the morning, and the bills brought up at some Friday evening session as unfinished business and put upon their final passage. If there is no objection the Chair will recognize that order.

There was no objection, and it was so ordered.

NOYES BARBER.

Mr. MILES. I call up for consideration the bill (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber on the rolls of the Navy Department.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to remove from the rolls and records of the Navy Department the charge of desertion now standing on the said rolls and records against Noyes Barber, late a paymaster's clerk in the Pacific squadron; and when so restored to issue to him an honorable discharge as of date April 27, 1865, and that the said Noyes Barber be restored to all rights suspended or lost by said record.

The report (by Mr. DOLLIVER) is as follows:

The Committee on Naval Affairs, to whom was referred the act (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber, on the rolls of the Navy Department, beg leave to report:

The said act is accompanied by Senate Report No. 322.

Concurring in the reasons set forth therein, your committee adopt the same as their report, and recommend the passage of the bill.

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[Senate Report No. 322, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber, on the rolls of the Navy Department, beg leave to report as follows:

Noyes Barber, the applicant for relief, enlisted on the 1st day of December, A. D. 1861, in Company C, Twelfth New York Volunteers, for the period of three years. At the time of such enlistment Barber was not yet seventeen years of age.

He was captured at Gaines's Mills, Va., during the seven days' battle before Richmond, and was imprisoned in Libby Prison and at Belle Isle. Upon being exchanged, he was on the 20th of January A. D. 1863, discharged for disability.

August 5, 1863, he re-enlisted as a member of Company I, First Connecticut Cavalry, serving until April 26, 1864, when he was transferred to the Navy by enlistment, to serve the unexpired term of the original enlistment, the same being one year two months and nine days.

Entering the Navy Barber served on the U. S. S. Princeton and Cyane, leaving the latter ship, without permission, April 27, 1865, two months and eight days prior to the expiration of the period of his enlistment.

From all the evidence before the committee it appears that Barber was a good soldier and seaman, and while in the naval service he was assigned to duties not usually performed by the ordinary seaman.

The reasons assigned by Barber for his desertion were that he had just heard of the death of his father, who was also in the Navy, and was killed at the storming of Fort Fisher; also, that his mother was ill and had the care of two small children; that under these conditions he asked, and was refused leave of absence in order that he might go home to visit his mother; therefore he left his ship.

Attention is directed to the fact that had Barber remained with his ship until May 1, 1865, or three days longer, the act of August 14, 1888, "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," would have been applicable to his case, and the relief now asked by special legislative enactment would have been granted upon application to the proper Department.

In view of the peculiar circumstances attending this case the passage of the bill is recommended.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

J. G. FETHERSTONE.

Mr. PEEL. I call up for consideration the bill (H. R. 5712) granting a pension to J. G. Fetherstone.

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 Jesse G. Fetherstone, late a private in Fletcher's First Tennessee Volunteers, and pay him a pension from and after the passage of this act.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5712) granting a pension to Jesse G. Fetherstone, have considered the same and report:

The claimant was a private in Captain Fletcher's company of the First Tennessee Mounted Volunteers, and served from June 18, 1836, to January 17, 1837, in the Creek and Seminole Indian war.

The claimant filed an application for pension June 9, 1883, alleging that while in the service and line of duty he received an injury of the right arm from a kick of a horse. This claim was rejected by the Pension Bureau June 30, 1885, upon the ground that there is no record of the alleged injury and soldier's inability to prove it as the result of the service.

William E. Evans testifies he was a comrade of the claimant and saw him soon after receiving the alleged injury, and understood at the time that it was incurred as stated by the applicant.

Other evidence tending to show that the applicant has been a sufferer from an injury of the shoulder continuously since his said service was filed in the Pension Bureau.

It is shown that the claimant is now about seventy-five years old, very poor, and too feeble to earn anything to aid in his support.

Your committee are of the opinion that the claim is a meritorious one, and the bill is therefore reported back with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

JAMES H. VOSBURGH.

Mr. RIFE. I call up for consideration the bill (H. R. 10710) granting an increase of pension to James H. Vosburgh.

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 James H. Vosburgh, late private Company H, Forty-ninth Regiment Ohio Volunteers, to $30 per month, in lieu of the pension he is now receiving.

The report by (Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10710) granting an increase of pension to James H. Vosburgh, submit the following report:

James H. Vosburgh served as private in Company H, Forty-ninth Ohio Volunteers, from August 15, 1861, to September 15, 1864, when he was discharged on account of a gunshot wound of right heel received in action at Dallas, Ga., May 27, 1864. He was pensioned on account of said wound and resulting ascending neurosis at $4 per month from discharge; at $8 from August 16, 1879; at $12 from April 15, 1881; at $24 from February 6, 1884; and since May 27, 1885, has been in receipt of $30 per month because of inability to perform any manual labor. He applied for further increase in September, 1887, but his claim therefor has been rejected because he does not require that constant aid and attendance of another person contemplated by law to give title to the highest rate of pension provided for total helplessness.

The action of the Pension Office in rejecting the claim was proper under existing laws. It appears, however, that by reason of the severe nervous affection due to the gunshot wound of the heel, pensioner's whole system has become affected. The functions of the stomach and heart are seriously impaired. The lower extremities are most of the time useless for the purposes of locomotion, the irritation of the spinal column and affection of the head causes much suffering, while the left shoulder and arm are much smaller than its fellow and too weak for any practical use.

In consequence of these conditions he can not dress or undress himself and otherwise needs the almost constant aid and attendance of another person. Dr. W. F. Flack, the pensioner's family physician, says that Vosburgh is confined to his bed fully one-third of his time; that there is no hope for improvement in his condition, and in fact he can live but a short time. He is very poor and himself and family almost entirely dependent upon others.

Your committee are of the opinion that the condition shown by medical and other evidence warrants the granting of an increase of pension, and therefore return the accompanying bill with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

PHILIP H. EMMERT.

Mr. GOODNIGHT. I call up for consideration the bill (H. R. 1738) granting a pension to Philip H. Emmert.

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 Philip H. Emmert, late a private in Company D, Twenty-third Regiment of Kentucky Volunteer Infantry.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R 1738) granting a pension to Philip H. Emmert, of Tompkinsville, Ky., submit the following report:

Applicant enlisted September, 1861; was honorably discharged from Company D, Twenty-third Kentucky Volunteers, December, 1865. Hospital records show treatment in June, 1865, without showing diagnosis, and also October and November for intermittent fever, and August, 1865, treated for bite of spider, or tarantula, in Texas, while in hospital; comrades prove also that he received shell wound in left knee at Kenesaw Mountain, June, 1864; this fact is proved beyond question, and that it disables him till this day.

It is also proven by many reputable men that Emmert was a sound man when he enlisted, and that since his discharge and return he has been unable for manual labor continually, from one-half to three-fourths of normal capacity; that such disability arises from chronic diarrhea, shell wound, and from complaint of left breast, shoulder, and arm, from bite of tarantula, which members are proven to have withered, by Dr. Sims, a most excellent doctor and gentleman, as well as by lay evidence. A number of his comrades testify that these afflictions were incurred in line of duty, and this satisfactorily appears from the testimony of Surg. A. M. Morrison and other physicians, Surgeon Morrison also testifying that the applicant was unable for any sort of service when discharged.

It seems clear to your committee that the soldier was sound when he entered the service; that he has sustained a wound in the leg which is disabling; incurred chronic diarrhea, which also disables, and which has been continuous since discharge, and that the injury from spider bite is severe and constitutional, as appears also from examining-board reports.

Your committee therefore report the bill back with favorable recommendation and ask its passage.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

MARY A. GREEN.

On motion of Mr. CASWELL, by unanimous consent, the House proceeded to consider the bill (H. R. 1338) granting a pension to Mary A. Green.

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 A. Green, widow of William A. Green, late colonel of the Twenty-ninth Wisconsin Infantry, at the rate of $30 per month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1338) granting a pension to Mary A. Green, submit the following report:

William A. Green, the soldier and husband of the beneficiary, Mary A. Green, was colonel of the Twenty-ninth Regiment of Wisconsin Volunteers in the late war. He was a gallant soldier and made an honorable record. He lost his health in the late war, and at the time of his death, July 13, 1880, was drawing a pension of $20 per month. He died with the disease for which he was pensioned, leaving Mary A. Green, the beneficiary, and four children under the age of sixteen years.

His widow and children succeeded to the pension in consequence of the death of the husband and father. On the 10th day of August, 1881, the widow was married to one J. J. Bennett and ceased to draw a pension from that time. The youngest child became sixteen years of age on the 8th day of July, 1888, and no pension has been drawn on account of the death of Colonel Green since that date.

The husband, J. J. Bennett, never contributed any support to the beneficiary. They lived together for a few years, during which time he ill-treated and wholly neglected his wife until they finally separated, and on the 11th day of June, 1889, the court granted a decree of divorce separating the parties on the ground of cruel and inhuman treatment and an utter failure to provide her support.

It appears from the records in court and from affidavits that the treatment of Mrs. Green practiced upon her by her husband was such as to make it impossible for her to live with him, while he had used and wasted all her means until she was obliged to support herself and children by teaching school, and is now working out by the week to maintain herself. She has always been a woman of excellent character and entirely worthy. In the judgment of divorce her name was changed back to her former name of Green, which she now bears.

The committee report the bill back to the House with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

ELIZABETH GUSHWA.

On motion of Mr. MCCLELLAN, by unanimous consent, the House proceeded to consider the bill (H. R. 9138) granting a pension to Elizabeth Gushwa.

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 Elizabeth Gushwa, mother of William Gushwa, late a private of Company F, Forty-eighth Regiment Indiana Volunteer Infantry.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9138) granting a pension to Elizabeth Gushwa, have had the same under consideration and beg to submit the following report:

The facts in the case are as follows:

The claimant is the mother of William Gushwa, a private of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, who died a short time after his discharge, of disability contracted in the service; that she was dependent upon him for her support; that she is the mother of four other sons who died while in the service in the war of the rebellion; that she has no means, and for the last twenty years has been wholly unable to earn her own living by her own labor, and that during most of that time she has been an inmate of the poor-house of La Grange County, Indiana.

She never filed a claim for pension for the reason that she had no means to get the evidence, which is scattered and far away, and she had no friends to assist her. She is now eighty-four years old, and being cared for by those who are under no legal obligations to do so, and this effort to get her a pension is made by those who are under no legal or equitable obligation to support her, but simply for the reason that they know that she has a good case, and could prove up as good a case as was ever presented to the Department if it was not for her extreme age and poverty. From these facts, clearly shown by the evidence, your committee believe she is entitled to a pension, and therefore respectfully recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

O. E. HUKILL.

On motion of Mr. FLICK, by unanimous consent, the House proceeded to consider the bill (H. R. 10202) granting a pension to O. E. Hukill.

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 O. E. Hukill, late of Company B, Eighteenth Iowa Volunteer Infantry, and pay him a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10202) granting a pension to O. E. Hukill, submit the following report:

O. E. Hukill served as private in Company B, Eighteenth Regiment Iowa Volunteers, from July 26, 1862, to July 20, 1865, when honorably mustered out. He applied for pension October 23, 1882, alleging that he contracted disease of eyes in the winter of 1865, while stationed at Fort Smith, Ark., from which he was seriously disabled, until in June, 1881, when the left eye was injured by the kick of a colt, necessitating its removal two months afterward, and that from sympathetic action the right eye became totally blind a few months later. The Pension Office admitted the claim for disease of eyes and allowed a pension of $4 per month, but refuses to increase that rate.

Dr. H. R. Layton testified before the special examiner that he was called to see the claimant about two months after the receipt of the injury to left eye, which was inflamed as was also the right eye. He amputated the left eye in the hope of relieving the right eye, but with no effect. About two weeks later the remainder of the left eye was extirpated, with no benefit whatever, as the inflammation was so great that it had caused destruction of the sight before the operation. In the opinion of the affiant the pre-existing disease of the eyes had a tendency to cause the inflammation produced by the injury to be more extensive and to become chronic, and had it not been for the diseased condition of the eyes before the injury the sight of the right eye could have been saved.

Dr. J. P. Maxwell, who was associated in the case, is of like opinion, as is Dr. H. C. Bone, who treated claimant for some years prior to the injury in 1881 and immediately thereafter. Hukill has no income from any source, and is now supported by charity.

Accepting these medical opinions, your committee must attribute this soldier's present deplorable condition as at least indirectly chargeable to his military service, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out all after the word "pension," in line 6, and inserting therein instead the words "at the rate of $40 per month in lieu of that now received by him."

Mr. KILGORE. Mr. Speaker, I do not exactly understand the effect of the amendment recommended by the committee, unless it means that they took the matter in their own hands and attempted to give the man more than the amount which he would have received under the bill as originally introduced.

The SPEAKER *pro tempore*. The effect is to put him upon the pension-roll at the rate of $40 a month.

Mr. KILGORE. What was the provision of the original bill?

The SPEAKER *pro tempore*. It proposed to pension him subject to the provisions and limitations of the pension laws.

Mr. KILGORE. Why should the committee undertake to give more than the man himself, through his Representative, asked by the original bill?

Mr. FLICK. This man is totally blind.

The SPEAKER *pro tempore*. Under the general law, being totally blind, he would get $72 a month.

Mr. KILGORE. He would if the blindness was incurred in the service, but not otherwise. This amendment, then, is to give him $40 instead of $72, as I understand it?

The SPEAKER *pro tempore*. That is the effect of the amendment.

The amendment was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

JAMES BLYTHE.

On motion of Mr. QUINN, by unanimous consent, the House proceeded to consider the bill (H. R. 6179) to remove the charge of desertion from the record of James Blythe.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of James Blythe, formerly a private in Company P, Eighty-third New York Volunteers, and to restore to him all the rights, privileges, allowances, and emoluments he would have been entitled to if said charge had never been entered against his name.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6179) to remove charge of desertion from the record of James Blythe, having considered the same, respectfully report that James Blythe deserted February 28, 1863, while absent on furlough, and while suffering from a gunshot wound received at the battle of Fredericksburgh, Va. He subsequently enlisted in another organization and served out his time and received an honorable discharge.

Your committee believe that such desertion was not willful, or to avoid military service, but solely on account of said wound, which unfitted him, for the time being, for performing military duty, and when the charge of desertion was once entered up against him he did not dare to return to his original command, and so enlisted in another regiment. Your committee recommend that the bill be amended by striking out all after the word "to," in line 6 in said bill, and insert in lieu thereof the following:

"Grant him an honorable discharge under date of February 28, 1863; pro-

vided no pay or allowances shall become due or payable by virtue of this act subsequent to the date of such discharge."

Your committee have attached hereto and made a part of this report the military record of said soldier as furnished by the Adjutant-General, and recommend that the bill as amended do pass.

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*Case of James Blythe, late private, Company I, Eighty-third New York Volunteers, and Company I, One hundred and thirty-fourth Illinois Volunteers.*

RECORD AND PENSION DIVISION, *April* 23, 1890.

James Blythe, private Company I, Eighty-third New York Volunteers, was enrolled November 14, 1861, to serve three years, and was present with his company until and including December 13, 1862, on which date he was wounded at the battle of Fredericksburgh, Va., and was sent to hospital.

He was admitted to Lincoln General Hospital, Washington, D. C., December 23, 1862, with gunshot wound, left thigh; was furloughed therefrom on January 28, 1863, for thirty days, and did not thereafter return to the hospital or to his command, although his term of enlistment did not expire until November 14, 1864, and thereby became a deserter on the 28th day of February, 1863. (The company muster-roll for March and April, 1863, and the regimental return for April, 1863, report the date of desertion as March 9 and April 1, 1863, respectively.)

On the 16th of May, 1864, while thus absent in desertion, he enlisted in Company I, One hundred and thirth-fourth Illinois Volunteers, for one hundred days, in violation of the 22d, now 50th, Article of War, and served faithfully therein until mustered out with the company on October 25, 1864.

The claimant swears that at the expiration of the furlough received at Lincoln General Hospital, Washington, D. C., he was unable, on account of the gunshot wound received at the battle of Fredericksburgh, Va., to return to hospital; that he was treated for several months for said wound by Dr. Clow, his family physician, now dead, who informed him that he would never again be fit for military service; that he was so disabled for eight months after his return to his home that he was utterly unable to perform any manual labor; that he had no intention of deserting, but supposed, on account of his wound, that he would receive an honorable discharge.

In another affidavit, executed November 16, 1887, the claimant repeats his former testimony, recounts his services while with his command, and declares that he was never absent or sick for a single day up to the day on which he was wounded; that after treatment by Dr. Clow for five or six months, the latter gave him a letter to the effect that he was not fit for duty; that, having no home, he went to Chicago and found at that place men enlisting to meet General Hood, who, it was reported, was on his way up from Tennessee and Kentucky; that he enlisted in Company I, One hundred and thirty-fourth Illinois Volunteers, for ninety days, and served therein three months over his time on account of the rumored advance of General Hood; that after his muster-out, for a year, his health was poor, the result of the bad condition of his blood occasioned by his wound; that he would not have passed an examination for enlistment had he been closely inspected, as a corner of his wound had not, at that time, healed up.

James Dugan and James A. Scott swear jointly that they distinctly remember the claimant's return to his home in February, 1863; that he was suffering from a gunshot wound of left thigh, which rendered him unable to perform labor of any description for seven or eight months; that for two months he was compelled to use cructhes, and during the remainder of the time he used a stout cane by which to support himself in his walks; that they visited him frequently, and occasionally met there Dr. Clow, who was treating him.

Charles Coe, under date of January 21, 1887, gives testimony corroborative of the statements of affiants Dugan and Scott.

John P. Nelson, son-in-law of Dr. Clow, before mentioned, states that the account-book and paper belonging to the late Dr. Clow have been destroyed, and that he is unable to give the desired information concerning the claimant's treatment.

On January 27, 1890, in a letter to the Hon. JOHN QUINN, M. C., the soldier's record was quoted, and Mr. QUINN was informed that the case had heretofore been carefully considered by the Department, and had been denied on September 16, 1886, and on May 12, 1887, on the ground that the testimony submitted did not establish that the soldier was prevented by his wound from completing his term of enlistment; that the justness of these decisions was made manifest when, on November 16, 1887, the claimant admitted that on May 16, 1864, he enlisted at Chicago, Ill., in Company I, One hundred and thirty-fourth Illinois Volunteers, and served therein until mustered out with his company on October 25, 1864, which service was rendered prior to the expiration of his term of enlistment in the Eighty-third New York Volunteers, and that as the former decisions of the Department in this case were in accordance with the law and the facts, they must be adhered to.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

The SECRETARY OF WAR.

Mr. KILGORE. I do not quite understand this bill. Who has charge of it?

The SPEAKER *pro tempore*. The gentleman from New York [Mr. QUINN]. The bill comes from the Committee on Military Affairs.

Mr. KILGORE. I do not understand that it is a bill to remove the charge of desertion.

The SPEAKER *pro tempore*. That is the purpose of the bill, and to give the man an honorable discharge.

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.

MRS. MARY J. SANDERS.

On motion of Mr. SMITH, of Illinois, the House, by unanimous consent, proceeded to consider the bill (H. R. 6148) granting a pension to Mrs. Mary J. Sanders.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the service of the United States Army during the war of the rebellion.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6148) granting a pension to Mary J. Sanders, submit the following report:

That said committee have considered this case and find that the Committee on Invalid Pensions of the Forty-seventh Congress made a favorable report in this case to that Congress, which report this committee adopt as their report, which report is in the words and figures following:

"From the papers before the committee it appears that Mary J. Sanders is the widow of Thomas A. Sanders, who was employed as a scout in the military service of the United States during the late war and was captured and killed by the Confederates in McNairy County, State of Tennessee, about July 29, 1864. Her claim has been rejected by the Pension Office on the ground that her husband was not an enlisted man, neither was he of the class of persons provided for by the third paragraph of section 4693 of the Revised Statutes.

"Among the papers in support of her claim is the affidavit of G. M. Dodge, late brigadier-general, United States Army, and commanding the post of Corinth, Miss. The affiant states that the name of T. A. Sanders is familiar to him, and that it is his impression that said Sanders was with the affiant as a scout and he was killed or died while he was in said service. The fact that affiant had a large number of men engaged in similar service makes it impossible for him to make a definite statement at this late day.

"Fielding Hurst, late colonel of the Sixth Regiment of West Tennessee Cavalry, testifies that he well knew Thomas A. Sanders, late of McNairy County, Tennessee, who entered the United States service as a scout the first night after the first transports of United States troops landed at Crump's Landing, Tenn.; had possession of Sanders's appointment until after the Shiloh fight and during the siege of Corinth. Some time subsequently affiant was asked by General Dodge whether said Sanders was a true and reliable Unionist, to which affiant responded affirmatively. General Dodge then informed the affiant that Sanders was employed by him as a scout, and that he (Sanders) on several occasions had ventured too far for his own good.

"When first employed Sanders acted under the direction of General Lew. Wallace. Affiant was near Memphis about the time Sanders was killed, and knows nothing personally as to the circumstances under which he came to his death. The fact that said Sanders was employed as a scout is also shown by the affidavits of Calvin Shell and J. B. Mills, of McNairy County, Tennessee.

"Angelina Small and Mary Sanders testify that said Thomas A. Sanders was taken prisoner by a captain of General Forrest's command, while at his father's house, July 29, 1864, and that about four days thereafter he was killed by said forces.

"William J. Russell testifies that he was a private in Captain Russell's company of Confederate troops, and while on a scout near Tuscumbia, Tenn., about July, 1863, said Thomas A. Sanders was taken prisoner and charged with being a Union spy. The morning after the capture Sanders was sent under guard to their headquarters, after which affiant saw no more of said Sanders; that Sanders was employed as a scout with the Union Army is known to affiant from information received direct from him (Sanders) some twelve months previous to his capture.

"W. F. Moore, also of McNairy County, Tennessee, testifies that he was acquainted with Sanders in his lifetime, and saw him after he was shot and assisted in his burial. He was shot within one-half mile of affiant's residence, and he heard the report of the guns when he was killed. Affiant knew nothing of his connection with the Army, except by rumor, and that he was acting as a Federal spy, and his killing was because of that service.

"The claimant's marriage to Thomas A. Sanders on the 30th of October, 1846, is shown by the certificate of the proper court. She has six children, all of whom, however, are now over the age of sixteen years.

"The committee are fully satisfied by the evidence in the case that Thomas A. Sanders was employed and rendered efficient service in the Union Army as a scout, and that he came to his death at the hands of the Confederates by reason of such service. They therefore report favorably and recommend the passage of the bill (H. R. 1989) granting a pension to Mary J. Sanders."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MARGARET DURAND.

On motion of Mr. SHIVELY, the House, by unanimous consent, proceeded to consider the bill (H. R. 10465) granting a pension to Margaret Durand.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Durand, as attendant nurse at Mound City Hospital, near Cairo, Ill., during the war of the rebellion, at the rate of $12 per month.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10465) granting a pension to Margaret Durand, have had the same under consideration and adopt the following favorable report made by the Committee on Invalid Pensions on this bill in the Fiftieth Congress:

"The claimant herein was a nurse and matron of the general hospital, Mound City, Ill., in 1861-'62, as appears by a certificate of the Surgeon-General and by the affidavits of Sister Athanasius and Sister M. Celesta, now residing at St. Mary's Academy, Notre Dame, South Bend, Ind. They testify, in a joint affidavit, in substance as follows:

"'We were attendant nurses at Mound City Hospital, near Cairo, in the State of Illinois, in the years 1861 and 1862; that Mrs. Margaret Durand, of South Bend, Ind., came as a nurse to said hospital in December, 1861, and attended as regular nurse of the soldiers sick and disabled in said hospital until the spring of 1862; that her health failed her at that time and she was sent home with the hope that she might recover and return, but that her health was not re-established and she was unable to return to the hospital.

"'We further certify that the said Margaret Durand is now in advanced age and deserving of a pension from the Government, and that we have no interest in her claim.'

"As stated, the claimant is in advanced age, and by her services among the sick and wounded in the hospital where she served she impaired her health to such an extent that she has never fully recovered. She is without adequate means of support and unable, by reason of her age and impaired health, to earn sufficient means of support, and it seems to the committee that the small amount asked for in the bill ought to be granted.

"We therefore submit a favorable report and recommend the passage of the bill."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

DELILA ROE.

On motion of Mr. FINLEY, by unanimous consent, the House proceeded to consider the bill (H. R. 3503) for the relief of Delila Roe.

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 Delila Roe, widow of George C. Roe, on the pension-roll and pay her a pension during her natural life, as is now by law allowed and paid the widows of deceased soldiers.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3503) for the relief of Delila Roe, respectfully report that they find that George C. Roe, husband of Delila Roe, raised a company of home guards and was elected captain thereof in 1861, and that said company did good service in holding the Confederates in check, and did such service as to exasperate the Confederates, so that when they captured Roe they took him with two others and shot them in cold blood. His widow, Delila Roe, is seventy-five years of age and in indigent circumstances.

The affidavits of J. L. McCarty, R. C. Lawson, Julian Reed, Edward Perkins, neighbors of said Roe, all substantiate the statement that said Roe raised the company, was captain thereof, and did valiant service for the Union, and that he was captured and never returned. The affidavit of said Edward Perkins proves the death of said Roe and that he was shot while a prisoner. The petition setting forth facts as stated is signed by seventy reputable citizens in the county in which said Roe lived prior to his death, and your committee believe that the case is a meritorious one and report back the bill and recommend its passage, amended by striking out the sixth and seventh lines of the bill and adding thereto these words: "twelve dollars per month."

The amendment recommended by the committee was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

WILLIAM H. KEYS.

On motion of Mr. FLOWER, by unanimous consent, the House proceeded to consider the bill (H. R. 4781) for the relief of William H. Keys.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, instructed and directed to remove and expunge from the records the charge of desertion now borne upon said rolls against William H. Keys, late private in Company G, Sixty-ninth Regiment New York Infantry Volunteers, and to issue to him an honorable discharge from the military service of the United States.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4781) for the relief of William H. Keys, having considered the same, respectfully report:

That William H. Keys enlisted February 8, 1864, as a recruit at the age of fifteen years, and was assigned to Company G of the Sixty-ninth New York Volunteer Infantry. Owing to his extreme youth he was unable to endure the fatigue of the march, and was sent to hospital at New York in August, 1864. From thence he was furloughed to go to his home in New York City. He had enlisted without his father's knowledge or consent, and when the boy got home his father compelled him to go aboard a vessel and sent him to Europe, where he remained until the war had closed. Your committee submit as part of their report the petition of said Keys and the report of the Adjutant-General.

Your committee would recommend that the bill be amended by adding, after line 8 in such bill, the following:

"To date September 15, 1864: *Provided*, That the relief hereby granted shall not entitle such soldier to any pay or emoluments for any time while not in the actual performance of military duty."

And your committee recommend, in view of the extreme youth of such soldier and his natural subjection to parental authority, he should have the relief prayed for, and we recommend that the bill do pass.

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*Case of William Keys, late private Company G, Sixty-ninth New York Volunteers.*

RECORD AND PENSION DIVISION, *March* 20, 1890.

William Keys, private Company G, Sixty-ninth New York Volunteers, was enrolled on February 8, 1864, to serve three years. The enlistment paper states his age as eighteen years. On April 30, 1864, he was present with his company. The muster-roll of June 30, 1864, reports him "deserted May 5 from the battle of Wilderness." His name is not borne on the rolls of August 31 and October 31, 1864. The rolls from November 1, 1864, to April 30, 1865, and the muster-out roll, dated at Alexandria, Va., June 30, 1865, report him "absent sick."

The return for May, 1864, shows him "missing in action May 10, 1864, at Po River."

The medical records show that he was admitted to the first division of depot field hospital, Second Army Corps, at City Point, Va., July 5, 1864, as convalescent, and transferred to general hospital, Blackwell's Island, New York Harbor, where he was admitted on August 1, 1864, with chronic diarrhea, and he is reported as having deserted there on September 15, 1864.

In an affidavit of August 27, 1889, this man made the following statement: "When he enlisted he was fifteen years and fifteen days old. He wanted to join the First New York (Lincoln) Cavalry, but he was assigned to the Sixty-ninth New York Volunteers, which regiment he joined at Brandy Station, Va. In the first part of May, 1864, he was taken sick and went to one of the field hospitals, where he helped to take care of the wounded. From there he was sent to City Point, Va., and thence to Blackwell's Island, being sick with fever. About September 1, 1864, he went to New York City on a pass to see his folks, when his father would not allow him to return to the hospital, and compelled him, against his will, to go on a steamer to Europe."

Alexander Price, in his affidavit of August 24, 1889, testified that he is familiar with the handwriting of applicant's father; he has examined the family Bible of the Keys family, and has found in the record of births that this applicant was born on January 24, 1849, said entry being in the handwriting of applicant's father.

Robert Cunningham and Ira G. Lane, in affidavits of August 24, 1889, testify similarly to Alexander Price.

Isaac Lunney, in affidavit of August 23, 1889, testified that about September 1, 1864, he lived with Christopher Keyes, the applicant's father; about that time this soldier came home and remained there all night; about 10 o'clock on the next day he went with the soldier to the corner of Spring and Broadway to meet the father, who told the soldier then and there that he was going to send him to Europe. The soldier objected and refused to go, and only after earnest pleading and coaxing on his father's part did he go on board, the father remaining with him till the steamer started.

After this the father told affiant that he had tried every means to get the boy out of the Army, but failed; that he had only two sons, one of them only seventeen years of age, being then a member of the First Lincoln Cavalry Volunteers, and that it was not right for the Government to have both of his minor sons.

No other testimony has been submitted. His name is not borne as William H. Keyes.

Existing law affords no relief in this case, and the application was therefore rejected on September 7, 1889.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

The SECRETARY OF WAR.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

Your petitioner, William H. Keyes, a citizen of the United States, residing at No. 309 East Sixty-ninth street, in the city of New York, State of New York, respectfully represents that on the 8th day of February, 1864, in the said city of New York, while a minor, being only fifteen years and fifteen days old (an infant in the eye of the law), he ran away from school and, without his parents' consent or knowledge, enlisted for service in the First Regiment (Lincoln) New York Cavalry Volunteers, and certainly expected to be sent to said regiment, in which he had a number of friends and acquaintances; but, contrary to his expectations and in direct violation of the terms of enlistment, he was assigned to the Sixty-ninth Regiment New York Infantry and sent to the front, though at the time, because of his tender years and undeveloped physical condition, he was not strong enough to hold a regulation musket at a ready, or in the position to fire, as specified in military "infantry tactics."

Your petitioner further declares that, owing to his immature physical condition and the hardships incident to infantry service, he was taken sick some time in May, 1864, and sent to a field hospital, and after a time was sent to City Point and from thence to Blackwell's Island (N. Y.) hospital. While under treatment in said hospital, to wit, about September 15, 1864, he obtained a pass to visit his parents at No. 208 East Fourteenth street, New York City; that he made such visit, and at the instance of his parents remained all night. On the next morning his father told him to meet him (his father) at 11 o'clock at the corner of Spring street and Broadway. He obeyed his command and met him, when he then and there informed him that he intended to take him out of the Army and send him to Europe.

To this he demurred and strenuously objected, and finally absolutely refused to go, but after earnest pleading and coaxing on the part of his father, supplemented by a positive and peremptory parental command, he yielded, and went with his father on board the steamer, where he remained until she started, to watch him and prevent him from returning to the Army. It will be seen by the affidavits herewith presented and on file in the War Department that it was through no voluntary act of his, nor from any intention to desert, that he left his command.

In the first place, the officer who enlisted him should have been court-martialed for such palpable violation of his duty, and the surgeon who examined and passed him as an acceptable recruit, if an expert in anatomy, as he should have been, ought at once to have seen his immature physical condition and have rejected him. It is also in evidence that after his enlistment and during his sickness in hospital his father fully explained to the military authorities all the facts in relation to his extreme youth, and exhausted every available means to obtain his discharge in the usual way, but without success, and having given to the service his only brother (who he may state was also a minor, being but seventeen years old), determined to effect his release through and by such means as were available, and by force, moral as well as parental, compelled him to remain from his command until after his pass had expired and he was marked on the rolls as a deserter, and then sent him beyond the reach of our military authorities until his term of service expired.

Your petitioner does not ask for any pay or bounty that may be due him for the period during which it is admitted that he performed faithfully such service as he could, owing to his undeveloped physical condition, but he earnestly requests that in view of all the facts alleged and proven he be granted an honorable discharge from the military service, and that the Secretary of War be directed and commanded by your honorable bodies to issue such honorable discharge and cause to be expunged from his record any charge of desertion found thereon as against your petitioner.

This he asks as a matter of justice and in order that his otherwise honorable character may not have resting upon it the stigma of being borne on the public records of his country as a deserter, and as in duty bound your petitioner will ever pray.

WILLIAM H. KEYES.

The amendment recommended by the committee in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. FLOWER. I ask unanimous consent that that bill be put upon its passage.

There was no objection; and the bill was accordingly passed.

NANCY A. THORNTON.

On motion of Mr. BAKER, the House, by unanimous consent, proceeded to consider the bill (S. 1732) granting a pension to Nancy A. Thornton.

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 Nancy A. Thornton, widow of John W. Thornton, deceased.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1732) granting a pension to Nancy A. Thornton, submit the following report:

The beneficiary under this bill is the widow of John W. Thornton, who was terribly wounded during the Quantrell raid on the city of Lawrence, Kans. Seven bullets took effect, rendering him a helpless cripple. In the Forty-ninth Congress he was granted a pension by a special act. As his death was the result of his fearful wounds there seems no reason why the widow should not be put on the pension-roll, and your committee therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BAKER. I ask unanimous consent that that bill pass.

The SPEAKER *pro tempore*. The Chair hopes the gentleman from New York [Mr. FLOWER] has not established a bad precedent.

Mr. HEARD. I shall have to object, Mr. Speaker. It is only fair that we should all have an equal chance.

OZRO HARRINGTON.

On motion of Mr. KILGORE, the House, by unanimous consent, proceeded to consider the bill (H. R. 2518) granting a pension to Ozro Harrington.

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 Ozro Harrington, late a private in Company H, First Regiment Iowa Cavalry Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2518) granting a pension to Ozro Harrington, submit the following report:

The claimant, Ozro Harrington, enlisted in Company H, First Iowa Cavalry, on the 16th day of September, 1861, to serve for three years or during the war; re-enlisted as a veteran January 4, 1864; was honorably discharged at the muster-out of his company February 15, 1866, at Austin, Tex., having faithfully served for four years, four months, and twenty-nine days. The claimant made application for pension in the year 1880, alleging that he contracted pleurisy from hard riding about November, 1864, but afterwards amended the date to July, 1864. Claimant alleges that he was treated for his disability, as stated, in regimental hospital, but the Surgeon-General's Office shows no record of treatment.

Maj. W. S. Wisenand, who was captain of the soldier's company, makes affidavit that on or about the 15th day of July, 1864, while in line of duty, in the State of Missouri, running after bushwhackers, the claimant incurred pleurisy; that from the date of this injury the claimant was very much afflicted during the remainder of his service; that he was with soldier since his enlistment in 1861; that he was in good health immediately preceding the time referred to above. The claimant alleges that the physician who first treated him after discharge is dead, and that he is unable to secure the testimony of regimental surgeon as to treatment in hospital.

Lieut. Samuel T. Craig, of claimant's company, testifies that on or about the 15th day of March, 1865, claimant went to him and said his side hurt him so that he could not wear belt or saber on account of pleurisy or swelling of side; that he, Lieutenant Craig, was at that time assistant adjutant-general on the staff of General E. D. Osband, and that on account of claimant's inability for service in the field he had him detailed as orderly at headquarters. Isaac N. Hosford testifies that he has been intimately acquainted with claimant since 1869; that he has frequently and often heard him make complaint of pleurisy pain in his side.

Dr. George W. Morrison, a practicing physician, testifies that he has known claimant since 1881; that he first examined and treated him for chronic splenitis in January, 1882; that he has frequently examined and treated him since.

Dr. J. T. Davis in 1885 testifies that he has treated claimant for chronic hypertrophy of the spleen a number of times during the past three years. Dr. Hyatt also testified to his having treated soldier in 1888, agreeing with the other physicians in diagnosis of disability.

This claim was rejected at the Pension Office in 1886; reasons stated: No record of disease and claimant unable to furnish required medical evidence.

Your committee are of the opinion that the evidence of claimant's captain, corroborated by his lieutenant, clearly establishes the incurrence of claimant's disability. Owing to the death of the physician who first treated claimant after discharge there is a break of a few years in the chain of medical testimony, which missing link is at least partially restored by the evidence of Mr. Hosford, and since 1881 we have a continuous chain of medical evidence which, to the minds of your committee, establishes beyond a doubt the justness of the claim; therefore your committee give it favorable report and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MRS. MARY HOGAN.

On motion of Mr. MOFFITT, the House, by unanimous consent, proceeded to consider the bill (H. R. 9163) granting a pension to Mrs. Mary Hogan.

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 Mrs. Mary Hogan, widow of Thomas Hogan, late of Battery D, Third United States Artillery, and allow her a pension at the rate of $12 per month.

The report (by Mr. HILL) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9163) granting a pension to Mary Hogan, have considered the same and report:

The claimant's late husband, Thomas Hogan, deceased, was a private in Battery D, Third United States Artillery, and served from August 4, 1840, to August 4, 1845, when honorably discharged by reason of expiration of term of service. The records show that the battery participated in the campaign and operations against hostile Seminole Indians in Florida from 1840 to 1842.

The testimony filed in support of the bill establishes the identity of the claimant as the widow of the soldier. Her residence is Chateaugay, Franklin County, New York. It is also shown that the claimant is an aged and worthy woman and that she has no means of support.

In view of the facts stated your committee report the bill back with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

WILLIAM C. EBERT.

On motion of Mr. PETERS, by unanimous consent, the House proceeded to consider the bill (H. R. 2550) granting a pension to William C. Ebert.

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 C. Ebert, disabled while acting as a volunteer citizen soldier in the provost guard, and pay him a pension from the date of disability at the same rate as provided by existing law for a similar disability.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2550) granting a pension to William C. Ebert, submit the following report:

The claimant, William C. Ebert, alleges that at the commencement of the war of the rebellion he was a resident of Hannibal, Mo.; that he had been a resident of said place since the spring of 1857; that during the latter part of July, 1862, a military company was being formed for the purpose of protecting property and guarding a large amount of United States military stores in charge of Maj. E. Wilmot, quartermaster at that post; that he joined and became a member of said company; that on the 6th day of August, 1862, claimant was detailed by Maj. Thomas D. Price, provost-marshal at Hannibal, Mo., to guard a large amount of military stores which were in charge of Maj. E. Wilmot, quartermaster, a requisition having been made by the quartermaster upon the provost-marshal for a guard; that while in the performance of said duty, on the night of the 6th day of August, 1862, he received a gunshot wound in the elbow of his left arm, and that on the following day his arm was amputated a few inches above the elbow by Drs. Edward Duffield and Benedict T. Norton, and further that the said Dr. Duffield died some years since.

Dr. Benedict T. Norton testifies that he assisted in the amputation of left arm of claimant on or about the 7th day of August, 1862, made necessary by claimant having received a gunshot wound while acting in line of duty as a member of the provost-marshal guard. Thomas M. Price, who is now and has been since 1878 land commissioner of the Hannibal and St. Joseph Railroad Company, was paymaster of said company from 1858 to 1865, testifies that he was major of the Thirty-eighth Regiment of Enrolled Missouri Militia; that on or about the 3d day of August, 1862, he was duly appointed provost-marshal, with headquarters in the city of Hannibal, and entered at once upon the discharge of his duty; that to the best of his recollection at the time there were no regular troops there that could be called upon to do guard duty, and being called upon by Maj. E. Wilmot, post quartermaster, for guards, he organized a volunteer guard of citizens; he ordered the claimant, William C. Ebert, to act as a guard for military stores.

While in the line of his duty as such, on or about the 6th day of August, 1862, and during the night, the claimant was disabled by a gunshot wound in left arm; that in consequence thereof the arm was soon after amputated by Drs. Duffield and Benedict, of Hannibal, Mo.

T. K. Hayward, ex-mayor of Hannibal, Mo., testifies that he has been a resident of Hannibal, Mo., since 1858; that Thomas M. Price was provost-marshal at the time specified above; also that Major Wilmot was post quartermaster, and his testimony in relation to the incurrence of claimant's disability is substantially the same as that of the provost-marshal, Thomas E. Price. Alexander F. Denny makes affidavit that Thomas E. Price was provost-marshal at the time specified, and that he was his successor and relieved him in August, 1863.

It does not appear that claimant had been mustered into the United States service, therefore, under existing law, could not be granted a pension by the Pension Bureau; but it appears from the testimony that the claimant was performing the duty, under orders of the provost-marshal, of a regularly mustered soldier, and that while in line of duty lost his arm.

Your committee is informed that the claimant is a highly respected citizen of Hannibal, and did not intend to make application to the Government for pension until he met with business reverses which forced him to do so for the support of his family.

Your committee submit a favorable report and recommend that the bill do pass with the following amendment: Striking out all after the word "guard," in line 7.

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.

THOMAS THOMPSON.

On motion of Mr. BOOTHMAN, by unanimous consent, the House proceeded to consider the bill (H. R. 10246) granting a pension to Thomas Thompson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll the name of Thomas Thompson, dependent and crippled son of Cornelius Thompson, late a private in Company D, One hundred and ninety-second Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10246) granting a pension to Thomas Thompson, submit the following report:

Thomas Thompson, the claimant, is the son of Cornelius Thompson, late a member of Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, who died from disease contracted while in the service. His widow, Mary Thompson, was pensioned on account of the death of her husband. She is now dead, and no one is drawing a pension on account of the soldier's death.

Thomas Thompson is forty years of age, weighs 75 pounds, is 4 feet and 5 inches in height, small bones, measures 31 inches around the waist. He is pigeon-breasted; has lateral curvature of the spine. He is suffering from general deformity. He is in poor circumstances, without any one legally bound to support him, and is the subject of charity.

Your committee are of the opinion that this is a meritorious case and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

JAMES M. THOMPSON.

On motion of Mr. O'NEIL, of Massachusetts, the House, by unanimous consent, proceeded to consider the bill (H. R. 9030) to remove the charge of desertion from the record of James M. Thompson.

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 James M. Thompson, late a private in Company F, Twelfth Regiment of Maine Volunteers, and to grant an honorable discharge to the said James M. Thompson as a private of said company, as of the date of April 8, 1865.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9030) to remove the charge of desertion from the record of James M. Thompson, having considered the same, respectfully report:

That James M. Thompson was enrolled February 1, 1865, as a member of Company F, Twelfth Maine Volunteers, to serve three years, and was subsequently transferred to Company D, of the same regiment. This soldier was with his company, or on detached duty as a clerk in the Savannah, Ga., post-office, until April 11, 1866. His company was mustered out of service seven days thereafter. The evidence shows that the soldier while on detached service contracted sore eyes, and after being relieved of duty as a clerk, fearing that he might lose his eyesight, went home. This soldier is not relieved by the general law. The committee recommend that the bill do pass.

*Case of James M. Thompson, late a private in Company F, Twelfth Maine Volunteers.*

RECORD AND PENSION DIVISION, *May* 2, 1890.

The official records show that James M. Thompson was enrolled at Augusta, Me., on February 1, 1865, as a member of Company F, Twelfth Maine Volunteers, to serve three years, and that he served faithfully therein until the muster for November and December, 1865, when he is reported as absent on detached duty as clerk in the post-office at Savannah, Ga.

On the muster-roll of Company D, of the same regiment (to which he had been transferred), for January and February, 1866, the soldier is reported present for duty.

On the company muster-out roll dated April 18, 1866, he is reported as having deserted April 10, 1866, at Savannah, Ga., while the company morning report gives the date of desertion (at the same place) as April 11, 1866.

From this desertion he did not return nor report his whereabouts or the cause of his absence to the proper military authorities.

The following is a synopsis of the testimony heretofore presented in the case in connection with the application for removal of the charge of desertion standing against the record of this soldier, to wit:

Under dates of July 1, October 20, and ——, 1889, the soldier testified that while on duty in the post-office at Savannah, Ga., he contracted sore eyes, and that as the war was over, and fearing he would lose his eyesight if he remained any longer, he went home on or about April 10, 1866; that he had been relieved from duty in the post-office by reason of his disability (sore eyes) by the post surgeon "Bean or Dean," though he still remained and did duty there up to the time of his departure. The soldier further declared that he performed no duty with his company (D), as it was encamped at the further end of the city, and that he had no army or naval service prior to February, 1865.

(When this soldier first made application for relief he signed himself as James Martin and stated that he had enlisted in Company F, Twelfth Maine Volunteers, under the name James M. Thompson.)

William J. Fogerty, a comrade, testified under date of September 13, 1889, that the soldier was afflicted with sore eyes in the spring of 1865, while on duty in the post-office at Savannah, Ga.; that he became unfit for duty; and that he was relieved from further service therein by the post (army) surgeon by reason of said affliction, the same having been contracted in the line of duty.

James Powers, late a private in Company C, Twelfth Maine Volunteers, testified September 26, 1889, that he was doing duty with Thompson in the Savannah, Ga., post-office at the time he became afflicted with sore eyes contracted in the line of duty, and that he (Thompson) was relieved and ordered to hospital.

On September 30, 1839, the authorized attorney in the case was informed that "in view of the fact that this soldier was relieved from duty as clerk as early as January or February, 1866, and that he was present on duty with his company thereafter up to the date of his desertion, the testimony submitted is not deemed sufficient to warrant any favorable action in the case." The application was therefore denied.

The application was again denied January 14, 1890, on the ground that "as this soldier did not serve six months prior to May 1, 1865; as the charge of desertion was not erroneously made, and as the testimony does not establish that he was prevented by disability contracted in the line of duty from completing his term of enlistment," favorable action could not be taken.

Since then the status of the soldier has not been changed by the introduction of new testimony or by subsequent legislation.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, United States Army.*

The SECRETARY OF WAR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

CLARA FOWLER.

On motion of Mr. TURNER, of Kansas, the House, by unanimous consent, proceeded to consider the bill (H. R. 3070) granting a pension to Clara Fowler.

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 Clara Fowler, daughter of Francis A. Fowler, deceased, late a private of Company A, Seventh Wisconsin Volunteers, at the rate of $12 per month.

The report (by Mr. MORRILL) is as follows:

Your committee have examined the evidence in the case of Clara Fowler, for whom a pension is provided in H. R. 3070, and find that she is the unmarried daughter of Francis A. Fowler, late a corporal of Company A, Seventh Regiment of Wisconsin Volunteer Infantry, now deceased; that she was on the pension-roll until she became sixteen years of age; that she is totally blind and paralyzed and with impaired mind, and incapable of earning a living or caring for herself. Her mother remarried and is in dependent circumstances.

Your committee therefore recommend the passage of the bill with the following amendment, striking out "twelve" in line 8 and inserting "eighteen."

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.

MARY B. LE ROY.

Mr. TURNER, of New York. I ask the present consideration of the bill (S. 314) for the relief of Mary B. Le Roy.

The bill was read, as follows:

*Be it enacted, etc.*, That from and after the passage of this act there be paid, out of the naval pension fund, to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, United States Navy, the sum of $50 per month during her widowhood, that sum to be in lieu of her present pension.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 314) granting a pension to Mary B. Le Roy, submit the following report:

This bill was favorably reported by the Senate committee, whose report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 314) granting a pension to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, United States Navy, have examined the same and report:

"That the claimant is the widow of William E. Le Roy, late rear-admiral in the Navy of the United States, who died in New York City on the 10th day of December, 1888. He was appointed to the Navy as midshipman January 11, 1832, and after passing through all the intermediate ranks was promoted to be rear-admiral on the 5th of April, 1874, and was retired on the 24th of March, 1880, after a period of active service of forty-eight years. During this time his service at sea was forty years, one of the longest on record.

"He served throughout the whole war of the rebellion. In 1861 he commanded the Keystone State; was at the capture of Fernandina, Fla. He was engaged with the ironclads off Charleston, S. C. From 1863 to 1865 he was in command of the Ossipee, and was engaged in the battle of Mobile Bay in August, 1864.

"While in active service in the Navy, off the coast of Africa, he contracted what is known as the 'African fever,' from the effects of which he never fully recovered, and which is shown by the testimony of the naval surgeon on file to have been the ultimate cause of his death. The record of his actual service, as well as the history of his promotions in the Navy, shows that he was an officer of distinguished skill, diligence, and bravery; that his service was long, faithful, and continuous.

"The claimant was married to Admiral Le Roy on the 17th day of November, 1881, at Washington, D. C. Both parties had been married before. There are no children of this marriage."

The widow is aged forty-nine and her sole income is derived from the estate of her late husband, the said estate being unsettled and will not be large.

She is now drawing $90, and in view of the long and honorable service of her husband and the numerous precedents for such action the committee recommend that the bill do pass.

The bill was ordered to a third reading; and it was accordingly read the third time.

JESSE H. STRICKLAND.

Mr. FARQUHAR. I call up the bill (S. 2832) for the relief of Jesse H. Strickland.

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 Jesse H. Strickland, formerly colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, and for the purpose of prosecuting a claim for pension said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of the said regiment to date from the 30th day of January, 1863.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2832) for the relief of Jesse H. Strickland, submit the following report:

The case has twice passed the Senate. In the last Congress a similar bill passed this committee and was favorably reported to the House, but was not acted upon.

The facts in the case are fully set forth in the Senate report hereto annexed and made a part hereof.

Believing the case a meritorious one, your committee would recommend the passage of the bill.

[Senate Report No. 816, Fifty-first Congress, first session.]

Mr. BLAIR, from the Committee on Pensions, submitted the following report (to accompany S. 2832):

The Committee on Pensions, to whom was referred the bill (S. 2832) for the relief of Jesse H. Strickland, have examined the same and report:

A similar bill has twice passed the Senate before. These bills, with certain amendments which appear in the bill now under consideration, have been reported favorably in the House on each occasion.

In view of these facts your committee adopt the previous report and recommend the passage of the bill.

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REPORT.

The papers filed in this case may be considered as establishing the following facts:

That in January, 1863, Strickland received authority from the Government to recruit and organize a regiment of cavalry of loyal Tennesseeans. That he entered upon that duty and raised the Eighth Tennessee Cavalry (so named), but for some reason, which appears only in his own statement, was not mustered as colonel, although he performed the duties for months and was recognized as such.

That in September, 1863, he was sick with intermittent fever and was certified from time to time, from September 4 to September 19, as being unfit for duty, surgeon on last date expressing opinion that he would not be able for duty for several weeks. It is most reasonable to accept the statement that to his sickness and his inability to perform active service his failure to be commissioned was attributable.

That since 1868, as is established by competent medical evidence, he has been more or less disabled by lung trouble, rheumatism, typhoid pneumonia, hemorrhages, and nervous prostration. One other witness places these troubles as far back as 1865, and there is evidence that he was physically sound before entering upon his military duties.

The evidence filed is not such, in the judgment of this committee, as to warrant them in recommending a pension at any arbitrary or fixed rating. We are of opinion, however, that justice would be conserved by giving this claimant a legal standing to prosecute his claim in the Pension Office, and accordingly recommend that the Senate bill pass with the following amendment: Strike out all after the word "volunteers," in the seventh line, and insert "and for the purpose of prosecuting a claim for pension, said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of said regiment, to date from the 30th day of January, A. D. 1863."

*Brief of claim for invalid pension of Jesse H. Strickland.*

This bill is to authorize the name of Col. Jesse H. Strickland to be placed on the pension-rolls of the Government.

The reason for asking a special act instead of proceeding by claim in the Pension Bureau is this:

During the civil war Mr. Strickland was a resident of the State of Tennessee and was authorized by President Lincoln, through the War Office, to enlist a regiment of Tennessee troops for the United States service.

Under this authority he did so proceed and enlisted citizens and refugees of his State in numbers finally aggregating seven or eight hundred men. Many months of time and much money was spent in this work. It was performed under promise of being commissioned as colonel, and the regiment was first designated as the Fifth, but afterwards as the Eighth Tennessee Cavalry. As men were mustered in companies were formed and officers appointed, captains, majors, and finally a lieutenant-colonel.

During all this time Mr. Strickland was regarded as a colonel, so designated in official orders, so obeyed when he was in command. As colonel he was in charge of the convalescent camp at Camp Nelson, Kentucky, and as such his name was signed and respected in the Quartermaster's and Medical Departments. But, unfortunately for him, before the work was complete and he mustered into service, he was taken sick and for months was under medical treatment, and from the diseases thus contracted in the line of his duty in the service of the United States he has never recovered.

While thus sick and under medical care, in the fall and winter of 1863, the presence of troops at the front was urgent, so that Andrew Johnson, then military governor of Tennessee, feeling that the public interests must override private rights, consolidated with the Eighth Tennessee Cavalry some 200 recruits obtained by S. V. K. Patten, appointed Patten to be colonel, thus completing the regiment, sending it to the field, and depriving the claimant of his right to be mustered as colonel.

Under these circumstances the Pension Office can not have jurisdiction of his pension claim, and he therefore asks pension by a special act of Congress. He herewith submits testimony to show his sickness in the service and continuously ever since. He is also asking of Congress a legal recognition of his rights

as colonel, and evidence of his service as such has been filed with the proper committee of the House of Representatives.

All of which is respectfully submitted.

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DISTRICT OF COLUMBIA, *County of Washington, ss:*

In the matter of pensions by special act, Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States Volunteers.

On the 30th day of January, 1863, authority was granted me by President Lincoln to recruit and organize a regiment of cavalry of loyal Tennesseeans for service in the Federal Army, and while recruiting and in command of the said organization, and in the line of his duty at Camp Nelson, Kentucky, on or about the 1st of September, 1863, he contracted intermittent fever, and while convalescent went to Murfreesborough, Tenn., and thence to Nashville, Tenn., where he had a relapse of his disease, which terminated in typhoid fever and rheumatism, the former having resulted in lung complaint, hemorrhages, and general debility, and which, with rheumatism, have continually existed from time to time since leaving the service.

The applicant has resided in Tennessee, and is now a resident of Brooklyn, Kings County, New York, where he has resided for the past twenty years. That prior to his entry into the United States service he was a man of good, sound physical health, his weight at that time being 175 pounds, and his present weight being 141 pounds. That he is now disabled from obtaining his subsistence by manual labor by reason of his injuries above described, received in the service of the United States, and he therefore makes this declaration for the purpose of being placed on the pension-rolls of the United States.

JESSE H. STRICKLAND,
*Late Colonel Eighth Regiment Tennessee Cavalry, United States Volunteers.*

—

LEXINGTON, *September* 17, 1863.

DOCTOR: This will be handed to you by Colonel Strickland, Eighth Tennessee Cavalry. You will please obtain for him one of the most comfortable rooms in the hotel, and consider him an out patient and extend to him your best attention.

Respectfully yours,

ALEX. T. WATSON,
*Surgeon, U. S. V., Superintendent Hospitals, Central Kentucky.*

A. A. Surg. R. M. LACKY, U. S. A.,
*In charge of Post Hospital, Crab Orchard, Ky.*

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MEDICAL DIRECTOR'S OFFICE, *Louisville, Ky., September* 4, 1863.

I certify that I have carefully examined J. H. Strickland, colonel of Eighth East Tennessee Cavalry, and find him suffering from intermittent fever, and he will not be able to rejoin his regiment for duty for some days.

WILLIAM W. GOLDSMITH,
*A. A. Surgeon, U. S. A., Member of Board of Examiners.*

[Indorsements.]

MEDICAL DIRECTOR'S OFFICE, NINTH ARMY CORPS,
*Lexington, September* 9, 1863.

Colonel Strickland should rest and take medicine for five or six weeks.

J. E. MACDONAL,
*Surgeon U. S. V. and Acting Medical Director Ninth Army Corps.*

HEADQUARTERS NINTH ARMY CORPS,
MEDICAL DIRECTOR'S OFFICE,
*Lexington, Ky., September* 17, 1863.

Colonel Strickland is not yet able, in my opinion, to join his command.

JOHN E. MACDONAL,
*Surgeon U. S. V. and Acting Medical Director Ninth Army Corps.*

HICKMAN BRIDGE HOSPITAL, *Camp Nelson, Ky., September* 19, 1863.

I have carefully examined Colonel Strickland, of Eighth East Tennessee Cavalry, and find him unfit to perform field duties, because of debility following an attack of fever; and in my opinion it will be several weeks before he will be able for the duties of his corps.

A. C. SWARTZWELDER,
*Surgeon U. S. V., in charge.*

—

DISTRICT OF COLUMBIA, *ss:*

In the matter of the pension claim of Jesse H. Strickland, late colonel of the Eighth Tennessee Cavalry (Tennessee Volunteers).

Personally came before me, a clerk of the supreme court in and for aforesaid District, R. J. Meigs, jr., aged fifty-five years, citizen of the city of Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: That I am well acquainted with the said Jesse H. Strickland, and was intimately acquainted with him for many years prior to the late civil war; that I knew of my own personal acquaintance that he was, prior to his services in the United States Army, a man of good sound health and constitution and competent to render good military service in the Army of the United States.

I further declare that I have no interest in said case and am not concerned in its prosecution.

[SEAL.]

R. J. MEIGS, JR.

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DISTRICT OF COLUMBIA, *County of Washington, ss:*

In the matter of pension claim of Col. Jesse H. Strickland, Eighth Tennessee Cavalry, United States Volunteers

Personally came before me Francis W. Strickland, a citizen of the town of Brooklyn, county of Kings, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I, Francis W. Strickland, late first lieutenant and commissary of subsistence Eighth Tennessee Cavalry, United States Volunteers, was with the said command at Camp Nelson, Kentucky, on or about May 12, 1863.

On or about November, 1863, on my return through Lexington, Ky., to Cincinnati, on furlough, I met the claimant, and he was suffering from the effects of an attack of typhoid fever and rheumatism and an injury sustained by his horse falling.

Previous to his entering the service he was a robust and healthy man, and ever since his discharge he has been in feeble health, and more or less disabled from the effects of the above diseases.

I have seen the claimant from time to time since his discharge from the military service, and the disability of rheumatism and the results of fever have continued from that time until the present, and he has been unable to perform manual labor.

FRANCIS W. STRICKLAND,
*Late First Lieutenant and Commissary Subsistence, Eighth Tennessee Cavalry, United States Volunteers.*

DISTRICT OF COLUMBIA, *City of Washington, ss:*

In the matter of claim of Jesse H. Strickland, late colonel of Eighth Regiment Cavalry, Tennessee, United States Volunteers.

Personally came before me, a —— —— in and for aforesaid county and State, Marcus A. O'Brien, citizen of the town of Washington, District of Columbia, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I have known claimant almost continuously for twenty-one years, from 1865 to the present time, 1885; I knew him to be, by both report and official military documents that I have seen in his possession, colonel of the Eighth Regiment Tennessee Cavalry, United States Volunteers; I have seen him many times during the above period in Nashville and Murfreesborough, Tenn., New York City, and Brooklyn, N. Y., and I have never known him to be a well or sound, healthy man; I know of his having typhoid fever, rheumatism, and lung trouble when I first became acquainted with him.

It has always been my conviction and belief that his broken-down health was caused by exposure and hardships incurred during his military service to the United States.

And I further declare that I have no interest in said case and am not concerned in its prosecution.

MARCUS A. O'BRIEN.

—

STATE OF NEW YORK, *County of Kings, ss:*

In the pension claim No. ——, of Jesse H. Strickland, late colonel of Eighth Tennessee Cavalry Volunteers.

Personally came before me James Watt, M. D., a citizen of Brooklyn, in the county of Kings and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about fourteen years and that he has known him intimately, being his family physician for ten years.

1. I did not know the applicant prior to 1872.
2. Did not treat him at any time previous to the above date.
3. First saw him during the year 1872, when I was called to treat him for chronic pneumonia and pulmonary hemorrhages; saw him several times during that year and the following five years for the same cause.
4. The claimant has been unable for the past ten years to perform any manual labor.

He further declares that he has been a practitioner of medicine for twenty years and that he has no interest, either direct or indirect, in the prosecution of this claim.

JAMES WATT, M. D.

—

STATE OF NEW YORK, *County of New York, ss:*

In the pension claim No. ——, of Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States Volunteers.

Personally came before me Walter R. Gillette, a citizen of New York, in the county of New York and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about eighteen years and that he has known him intimately, having been his family physician for five years. I first became acquainted with Colonel Strickland December 1, 1868, he at that time being an employé of the New York post-office, I being at that time physician and medical examiner of the same.

I first called on him December 1, 1868, and found him in a precarious state of health, suffering with lung trouble and rheumatism. Again, in March, 1869, I treated him for typhoid pneumonia. Again, in December, 1869, for rheumatism. In spring of 1870, hemorrhages and nervous prostration. Again, in spring of 1871, pleuro-pneumonia. I advised his resigning his position to prolong life, as I considered him totally unable to perform manual labor.

He further declares that he has been a practitioner of medicine for twenty-two years and that he has no interest, either direct or indirect, in the prosecution of this claim.

WALTER R. GILLETTE.
*149 West Twenty-third street, New York.*

Mr. KILGORE. If I caught correctly the latter portion of this bill, it is not a bill which can be considered at a Friday evening session.

Mr. FARQUHAR. Except that the bill proposes to establish the rank of this soldier, it is in the same form as other bills which are passed regularly.

Mr. KILGORE. Is not the bill subject to a point of order as one which can not be considered at a Friday evening session? We can only consider at these Friday evening sessions private pension bills, bills for the removal of political disabilities, and bills for the removal of charges of desertion.

Mr. FARQUHAR. This is a Senate bill, and has been reported in this House by the Committee on Invalid Pensions.

Mr. KILGORE. That would not give it the necessary standing.

Mr. MORRILL. Oh, yes; the order expressly covers private bills reported by the Committee on Invalid Pensions.

Mr. FARQUHAR. There is no question at all that the bill is in order.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time.

HENRY A. KING.

Mr. ALDERSON. I ask for the present consideration of the bill (H. R. 3952) for the relief of Henry A. King.

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 Henry A. King, late private of the Clay County, West Virginia, Independent Scouts.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3592) granting a pension to Henry A. King, submit the following report:

The evidence shows that the soldier served in the late rebellion as a private in Clay County Scouts of West Virginia, an organization serving for the time being under officers of the United States Army from January, 1865, to May, 1865. In

March, 1865, the soldier was shot in the left hip while in battle with the enemy, from which injury he has suffered and is greatly suffering now.

This claim was rejected in the Pension Department for the reason that the soldier was in a State organization, and not in the United States service. The committee therefore report the bill back with the recommendation that the same do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

MARY H. CURTIS.

Mr. O'DONNELL. I desire to call up the bill (H. R. 2431) granting a pension to Mary H. Curtis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Curtis, dependent mother of Charles S. Curtis, deceased, late a private in Company B, First Vermont Heavy Artillery.

SEC. 2. That this act shall take effect from and after its passage.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2431) granting a pension to Mary H. Curtis, submit the following report:

The soldier, Charles S. Curtis, son of claimant, served as a member of Company B, First Vermont Heavy Artillery, for nearly three years. He was discharged from the service at the end of the war and went home in greatly impaired health and died from the effects of disease contracted in the service, a very short time after his discharge, without having made an application for pension. He left a widow, but no children. The widow remarried ten months after the soldier's death, and no pension has ever been granted to any one on account of the soldier's service and death.

Evidence is shown that the soldier contributed to the support of his parents in his youth and that the mother is now old, in a destitute condition, and dependent upon others for support, she being afflicted by a disease which is incurable (cancer). She is truly dependent, and is deprived of the support of her son by the casualties of war. Therefore, your committee, believing the claim a very meritorious one, recommend the passage of the bill with an amendment striking out section 2 of the bill.

The amendment recommended by the committee, striking out section 2 of the bill, 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.

JOSEPH H. SCOOPMIRE.

Mr. MARTIN, of Indiana. I ask consent for the present consideration of the bill (S. 3194) granting a pension to Joseph H. Scoopmire.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Scoopmire, Company H, Sixth Regiment Indiana Volunteers, at the rate of $36 per month.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, having had under consideration the bill (S. 3194) granting a pension to Joseph H. Scoopmire, adopt as our own the report of the Senate committee, which is as follows, to wit:

[Senate Report No. 1071, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3194) granting a pension to Joseph H. Scoopmire, Company H, Sixth Regiment Indiana Volunteers, have examined the same and report:

That the claimant is now a pensioner at the rate of $24 per month for gunshot wound in the left side. He applies for an increase equivalent to that of total loss of leg, $36 per month. This application for increase has been rejected by the Pension Bureau on the ground that he has some use of his left foot and leg.

From the evidence we think he has some physical use of the foot and leg, but no practical use of the same whatever. The latest evidence taken in 1889 shows that he walks with the assistance of a cane or a crutch and that he is totally incapacitated from manual labor by reason of the wound or its effects. It appears from the evidence of Drs. Olmsted, Hicks, and others that the left hip and leg of the soldier are disabled by reason of a gunshot wound in the left thigh. The ball having crushed the bone, going in and out, the whole leg is atrophied. He is in as bad a condition as if it had been amputated above the knee.

As the result of the wound there is atrophy of the extensor muscles of the leg and thigh with complete paralysis of those muscles, preventing him from extending the limb, and causing him to fall forward in attempting to walk over uneven ground. He is completely incapacitated from any manual labor. We think from the weight of evidence it is very satisfactorily shown in the case that the injured limb and foot are wholly useless. We think the increase ought to be granted, at least to the amount of $36 per month, and we therefore recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

LEWIS SOLOMON.

Mr. STRUBLE. I desire to call up the bill (H. R. 8890) granting an increase of pension to Lewis Solomon, a private in Company A, First Indiana Infantry, Mexican war service.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to pay Lewis Solomon, a private of Company A, First Indiana Infantry, Mexican war service, a pension of $72 per month, in lieu of that he is now receiving, subject to the provisions and limitations of the pension laws.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8890) increasing the pension of Lewis Solomon, have considered the same and beg leave to submit the following report:

The claimant was a private in Company A, First Indiana Volunteers, Mexican war, and served from June 17, 1846, to June 16, 1847. He also rendered almost four years of service during the war of the rebellion, and while serving in Company D, Fourth Iowa Volunteers, received a gunshot wound of the left arm, for which he received a pension of $4 per month, until the passage of the act of January 29, 1887, when he elected to take the $8 per month provided by that act for Mexican war service.

The bill provides for an increase of his pension to $72 per month, and in support thereof Dr. A. J. Weeks, of Correctionville, Iowa, states that the claimant is now totally blind and obliged to have constant attendance. He also states that the claimant ought to be allowed enough pension to pay a nurse for taking care of him. He (claimant) is now approaching seventy years of age and dependent upon his children for support. The children are all poor and live upon rented farms.

That the claimant is totally and permanently blind is also shown by the testimony of Dr. J. A. Thornton, of Correctionville, Iowa.

In view of the claimant's age, destitute condition, and blindness, your committee regard the case as a proper one for the favorable consideration of Congress, and the bill is therefore reported back with the recommendation that it do pass, amended, however, as follows:

Strike out the words "seventy-two," in line 6, and substitute in lieu thereof the word "forty," so as to allow a pension at $40 per month.

The amendment reported by the committee, to strike out "seventy-two," in line 6, and insert "forty," so as to make the pension $40 a month, 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.

EMMA CHAPMAN.

Mr. WILSON, of Missouri. I ask the present consideration of the bill (H. R. 5265) granting a pension to Emma Chapman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of (Mrs.) Emma Chapman for her services as army nurse during the late war of the rebellion, and pay her a pension at the rate of $12 a month.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

JOHN E. WALTON.

Mr. HANSBROUGH. I desire to call up the bill (S. 2076) granting an increase of pension to John E. Walton.

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 E. Walton, late of Company C, One hundredth Pennsylvania Volunteers, and pay him at the rate of $50 per month in lieu of the pension he is now receiving under certificate No. 176641.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, having examined the bill for increasing the pension of John E. Walton, beg leave to say that the facts in the case are so fully set forth in the report of the Senate Committee on Pensions that the said report is adopted as our own report, and is herewith presented.

Amend by striking out the word "fifty" and inserting "forty."

[Senate Report No. 251, Fifty-first Congress, first session.]

Mr. PIERCE, from the Committee on Pensions, submitted the following report (to accompany bill S. 2076):

The Committee on Pensions, to whom was referred the bill (S. 2076) granting a pension to John E. Walton, Company C, One hundredth Pennsylvania Volunteer Infantry, have examined the same and report:

Walton was a private in Company C, One hundredth Pennsylvania Volunteer Infantry; he enlisted in 1861; was finally discharged in 1864. He was wounded severely in the leg at the second battle of Bull Run, for which wound he receives a pension of $6 per month. In 1887 he applied for an increase on account of loss of eye-sight.

The claim was rejected at the Pension Department upon the opinion of the medical examiner that an affection of the eyes which did not manifest itself coincidentally with an attack of malarial fever could not, after the expiration of a number of years, be traceable to that disease. The preponderance of medical testimony in the case, however, is strongly against the conclusions of the medical examiner referred to, or rather goes to show that whatever may have been the facts about its early manifestation, the disease of the claimant's eyes is due to malarial poison which dates back to 1862.

Three physicians of good repute make affidavit that this disease of the eyes is the effect of malarial poison. A medical board testifies to the same thing, so that in fact the expert testimony is in the ratio of 5 to 1. The physicians do not dispute the theory of the official examiner that the disease must have manifested itself at the time of the attack of malaria, or else it is not traceable thereto, but they simply declare that the affection of the eyes as it now exists is due to that cause.

Dr. Bentley, of Bismarck, says:

"His system is full of malarial disease and his eyes the objective point of its chief manifestation."

Dr. Harris, of Mason City, Iowa, says he has practiced medicine and surgery for thirty-five years; that he treated Walton in 1878 and 1879 for malarial fever; in 1885 he examined him again and found him almost totally blind. He adds that he has no doubt at all that Walton's blindness is to be traced to the malarial fever in his system.

Dr. J. W. Thompson, a noted specialist of St. Paul, says:

"I have been engaged in the practice of medicine and surgery for twenty-three years, ten years in the general and thirteen years in the special practice of diseases of the eye and ear; first treated Walton in 1886; began treating him for his eyes. He was also suffering from a chronic hepatic trouble which had its origin in malarial poison; the eye trouble was a sequel to the hepatic disease, as shown by the periodical character of the inflammation, which was usually much aggravated every third day. It yielded some to powerful treatment, but as often relapsed, and in this manner has continued until his eyes are practically ruined."

The doctor treated Walton for a year and a half, and adds:

"He (Walton) is permanently disabled by the injury to his eyes to the extent of at least three-fourths as compared with a sound able-bodied man."

The medical examining board in 1888 say:

"It is, in our judgment, probable that the disease was incurred in the service as he claims, and that it has not been aggravated by vicious habits. He is, in our judgment, entitled to a 6-18 rating for the disability caused by the gunshot wound in right leg, and a total first grade caused by disease of eyes resulting from malarial fever."

The medical examiner of the bureau says that the weight of medical opinion is to the effect that the character of the appellant's eye affection is such that it can not be medically accepted as a pathological sequence of malarial poisoning in the service. In a letter dated October 14, 1888, which is on file with the papers, the appellant states that up to the year 1878 or 1879 his eyes were all right.

In the certificate of the medical examination of appellant by Examining Surgeon Conway on May 26, 1876, made under his original declaration for pension, no mention is made of eye disease, etc.

I find by an examination of the letter of claimant referred to that he says "practically there was nothing the matter with my eyes prior to 1885," but he goes on to state that for many years they had blurred at times and filled with water, which he had difficulty in wiping away fast enough to enable him to see. A curious corroboration both of the theory of the medical examiner and of the opinion of the physicians who have examined him and testify that the disease of the eyes is traceable to malaria is found in a letter of one of his comrades which has evidently been overlooked by the medical expert in the Pension Bureau, and of which Walton himself is probably ignorant, as it is brought out by the Commissioner of Pensions direct from the witness in response to a letter from the Department. In view of all the facts this is quite important.

When Walton made his application for an increase he filed an affidavit from one of his comrades living at Washington, Pa. The affidavit simply stated that Walton had the fever and ague, accompanied with violent chills, while at or near James Island, in South Carolina, in 1862. The Department wrote to Mr. Ribb, the comrade referred to, asking him to state in his own way and in his own handwriting all the facts within his personal knowledge relating to the case. Ribb thereupon replied, saying:

"All that I recollect about John E. Walton is that he was taken sick and I carried his meals to him. If I remember right he had malarial fever. He complained of his eyes hurting him. It is so far back that I can not remember much. He was a tent-mate of mine or I would have forgotten this."

The Commissioner wrote to the postmaster at Washington, Pa., asking for the reputation for truth of Henry Ribb, and received a reply stating that the reputation of Ribb for truth was good. The evidence of a continuation of malarial fever and chills and fever from 1862 to the present time is established by many witnesses who come from various places where Walton has resided since the war.

His colonel, himself an eminent physician, Doctor Leasure, now dead, but who was well known to the chairman of this committee, speaks in the very highest terms of Walton, as does also the adjutant-general of the State of Minnesota, who has made many efforts to have the case considered; also a large number of the members of the Dakota Legislature and many others, who all testify to the good character of the applicant. Walton has expended upwards of $5,000 in the effort to have his sight restored, and is now destitute and dependent upon the day labor of his wife for support.

In my opinion the preponderance of testimony is in favor of the claim set up by the applicant, and I therefore recommend the passage of the bill.

The amendment reported by the committee, striking out "fifty" and inserting "forty," so as to make the pension $40 a month, was read and agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

GEORGE MURRAY.

Mr. WHITING. I ask the present consideration of the bill (H. R. 10083) for the relief of George Murray.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to admit the claim for heart disease and deafness in the case of George Murray, of Company G, Eighth Regiment Michigan Cavalry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10083) granting additional pension to George Murray, submit the following report:

George Murray enlisted in Company G, Eighth Michigan Cavalry, on December 15, 1862, and was honorably discharged July 20, 1865.

During this period he suffered a four months' imprisonment in Andersonville, where he contracted scurvy, for which he is pensioned at the rate of $6 a month. The soldier has applied for pension for heart disease and deafness, but his claim is rejected on the ground that origin in service is not established.

The regimental surgeon who treated him can not be found, but F. S. Boynton, captain of Company L, Eighth Michigan Cavalry, testifies that he was intimately acquainted with George Murray and that he complained of deafness and heart disease while yet in the service, brought on by hardships incident to the service, and that he was badly disabled on his return from prison.

Neighbors testify that Mr. Murray immediately after returning from service complained to them of both deafness and heart disease, and medical testimony shows treatment for heart disease at this time. Soldier's prior soundness is shown.

Dr. J. G. Totten, who has treated him since 1875, says he has often thought his visits would be of little avail, as soldier was "so bad he might drop dead at any moment."

Board of surgeons report a distressing condition from scurvy, digestion impaired on account of inability to masticate food, and in report of November 30, 1881, they say that they believe irregular heart action is sympathetic; left auditory nerve shows points of ulceration, and claimant can not hear a watch tick even at contact with left ear.

Special Examiner Charles H. Thomas, in his report of August 20, 1888, says:

"I think it will be impossible to show origin in service, as pensioner says he did not complain to comrades. I am of the opinion that disease of heart is a sequence of scurvy and prison life, and recommend its admission. I believe there is merit in the claim for deafness, but that it will be very difficult to prove. Deafness may be, and probably is, due to scurvy and life at Andersonville."

Special Examiner Hausted reports a belief that claim for heart disease has merit.

Special Examiner Pettiman does not think origin in service proven, but this opinion is based simply upon the facts upon which the other examiners recommended admission of claim.

Believing from the evidence that this claim is just and that Congress in granting the relief sought will effect but a simple act of justice, we return the bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

W. H. OBRIEN.

Mr. TAYLOR, of Tennessee. I desire to call up the bill (H. R. 5145) granting a pension to W. H. Obrien.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and required to place the name of W. H. Obrien, of Tennessee, late a private of the Fourth Tennessee Infantry, on the pension-roll, subject to the provisions and restrictions of the pension laws.

The report (by Mr. TAYLOR, of Tennessee) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5145) granting a pension to W. H. Obrien, submit the following report:

W. H. Obrien, or O'Brien, enlisted in November, 1862, while residing in Carter County, Tennessee, as a soldier under Lieut. A. C. Foundren, then a recruiting officer for the Fourth Regiment Tennessee Cavalry. Claimant, in company with about eighty other recruits, under the leadership of one G. W. Gray, left home to join the command at Camp Nelson, Kentucky, some time in December, 1862.

Their route was through a country held and occupied by the enemy for a distance of more than 130 miles. It became necessary to travel at night, and to secrete themselves during the day in the mountains to avoid capture. About the 1st of January, 1863, these men were attacked by a squad of Confederate cavalry, near Moccasin Gap, Scott County, Virginia. Claimant, with many others, was taken prisoner and put in jail at Knoxville, Tenn., and thence taken to Mobile, Ala.

After more than twelve months' confinement, claimant made his escape and scouted his way back home, where he remained secreted until about March, 1864, when he again made an attempt to make his way to the Federal lines at Knoxville, Tenn., which point he reached in April, 1864. He reported for duty, but he was so much disabled by reason of rheumatism and emaciation, due to his long confinement in Confederate prison and the exposure he was subjected to on his long journey after escape and hiding out to escape recapture, that he was rejected by the mustering officer. His name was never placed upon the rolls of the command in which he enlisted, hence has no title under the general pension laws.

The fact of claimant's enlistment and capture while *en route* to his command is shown by the testimony of Lieutenant Foundren, who also testifies that claimant, upon his return from Confederate prison, was rejected because of rheumatism contracted during captivity.

Treatment for rheumatism at return from prison and ever since is shown by the testimony of David Bell, M. D.

Claimant, although not regularly mustered into the service, was an enlisted man of the Army, and because of his enlistment was captured and exposed to hardships which resulted in his permanent disability.

There are numerous precedents which warrant your committee in reporting favorably on the accompanying bill, and they therefore return the same with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

JOHN N. HARRIS.

Mr. McRAE. I ask the present consideration of the bill (H. R. 10154) to increase the pension of John N. Harris.

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 John N. Harris, of Gurdon, Ark., late a private in Company H, commanded by Captain Crump, in the First Mississippi Regiment, commanded by Jefferson Davis, in the war with Mexico, a pension at the rate of $20 a month, in lieu of that which he now receives, to take effect from and after the passage of this act.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10154) granting an increase of pension to John N. Harris, have considered the same and report:

The claimant was a private in Company H, First Mississippi Volunteers, and served honorably in the war with Mexico.

He is now a pensioner at $8 per month on account of said service.

The evidence filed in support of the bill shows conclusively that the claimant is about sixty-nine years old, and for the past year has had no use of his legs by reason of paralysis. His disability is such that he requires the constant attention of an attendant. It is further shown that the claimant is poor, and that he has not sufficient property or income to afford him a comfortable support.

In view of the facts stated, your committee think the relief prayed for should be granted, and the bill is therefore returned with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

URSULA LUCRETIA HAIGHT.

On motion of Mr. MORRILL, by unanimous consent, the House proceeded to consider the bill (S. 3177) granting a pension to Ursula Lucretia Haight.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ursula Lucretia Haight, widow of William H. Haight, late private Company H, Thirty-ninth Regiment Enrolled Militia of Missouri.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3177) granting a pension to Ursula Lucretia Haight, submit the following report:

The Senate report clearly sets forth the facts and is hereby adopted.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 3177) granting a pension to Ursula Lucretia Haight, have examined the same and report:

This claimant is the widow of William H. Haight, deceased, who was a private in Company H, Thirty-ninth Regiment Enrolled Missouri Militia. He enlisted September 10, 1862, at Platte City, Mo., furnished his own horse, and was relieved from duty January 19, 1863, having served fifty-seven days.

On July 24, 1883, he made application for a pension, alleging "that during his service he was exposed to bad weather, in 1862-'63, and incurred a hacking cough and general breaking down of the system." He was not treated in any hospital, but by his regimental surgeon. The claim was rejected by the Commissioner of Pensions on the ground "that Company H, Thirty-ninth Enrolled Missouri Militia, was a State organization, and disabilities incurred therein are not pensionable under existing laws."

William Davis and Benjamin F. Davis, comrades, swear to incurrence as alleged, and further state—

"That they were intimately acquainted with the soldier up to the date of his death. * * * At the time of his discharge he was weakly, and died from the effects of the cold and cough, and was unfit and unable to perform any hard manual labor from that time to the time of his death. He could do light chores only, and he got worse and worse, year by year, till he went to the Soldiers' Home and died, and all of this was the result and effect of his exposure while in the service and in the line of duty."

This affidavit as to continuance is fully corroborated by other testimony, and also as to soundness prior to enlistment.

His enlistment and service is verified by the adjutant-general of Missouri, and his certificate is in the papers in the case.

Dr. A. L. Van Duxen, of Leavenworth, Kans., swears to—

"An acquaintance of twenty years, and treated him frequently during that time. About fifteen years ago he had severe dysentery and several attacks since, always being weak with indigestion, unable to endure fatigue or heat, and at last suffering with paralysis. He has been a very feeble man ever since I knew him."

This affidavit was made January 18, 1890. He was admitted to the Soldiers' Home May 7, 1886, and died January 12, 1889. Cause of death, "locomotor ataxia."

Your committee are of the opinion that the disability and subsequent death of the soldier are due to the disability incurred in the service as alleged, and therefore recommend the passage of the bill.

The bill was ordered to a third reading; and was accordingly read the third time.

WIATT PARISH.

On motion of Mr. WILLIAMS, of Illinois, by unanimous consent, the House proceeded to consider the bill (H. R. 10334) granting a pension to Wiatt Parish.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Wiatt Parish, late a soldier in the Black Hawk war, at the rate of $30 per month.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10334) granting a pension to Wiatt Parish, have had the same under consideration and respectfully report as follows:

The claimant served from June 17, 1832, to August 16, 1832, in Captain Bowman's company of Illinois Volunteers in the Black Hawk war.

In the declaration for pension filed at the Pension Bureau October 9, 1874, he declares that while in said service and line of duty he contracted measles, which resulted in pain in back, knees, lungs, and eyes. He also declares that he contracted a hydrocele of the right side from riding while in said service.

That the claimant contracted measles while serving in Captain Bowman's company is established by the testimony of several of his comrades. It is also shown that he has been a sufferer for many years from rheumatism, disease of the testicles, and an affection of the throat, but the claim was rejected by the Pension Bureau on the ground that the testimony failed to establish the allegation that said disabilities were contracted in the service as the result of measles and horseback riding.

The claimant is now about seventy-six years old, badly disabled, and very poor. He is obliged to depend upon relatives for support.

In view of the facts stated your committee recommend the passage of the bill with the following amendment: Strike out the word "thirty," in line 7, and substitute in lieu thereof the word "twenty."

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.

MARY J. EADIE.

On motion of Mr. SMYSER, by unanimous consent, the House proceeded to consider the bill (S. 848) granting a pension to Mary J. Eadie.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Eadie, sister of John Eadie, first lieutenant Company C, One hundred and fifteenth Ohio Volunteer Infantry.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 848) granting a pension to Mary J. Eadie, 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 their own and likewise recommend the passage of the bill.

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SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 848) granting a pension to Mary J. Eadie, sister of John Eadie, first lieutenant Company C, One hundred and fifteenth Ohio Volunteer Infantry, have examined the same and report:

That this bill has been already before the committee at the present session and was reported adversely on the 21st of January, 1890, on the ground that there was no proof of the circumstances or identity of Mary J. Eadie as sister of John Eadie, the deceased soldier mentioned in the bill.

The bill was indefinitely postponed on this adverse report, but was afterwards reconsidered and recommitted to this committee, since which time three affidavits have been filed showing the identity of Mary J. Eadie as a sister of John Eadie, the deceased soldier, who was killed by the explosion of the steamer Sultanna, while in the line of his duty, in 1865. It is also shown that said Mary J. Eadie, the sister, is a confirmed invalid, confined most of the time to her room, not able to earn her support in any way, and is dependent for her support upon the labor of a sister, who is a dressmaker in very poor circumstances.

These sisters are the only surviving members of the family, and have no property or other means. The deceased soldier was never married. His father and mother and brothers are dead. His mother drew a pension while living. Both the mother and sister named in the bill were dependent upon the soldier during his lifetime. Under these circumstances we think it is just that the pension should now go to the sister, and we therefore recommend the passage of the bill.

The bill was ordered to a third reading; and was accordingly read the third time.

FANNIE A. PUTNEY.

On motion of Mr. BRICKNER, by unanimous consent, the House proceeded to consider the bill (H. R. 9371) for the relief of Fannie A. Putney.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fanny A. Putney, widow of Elum Putney, formerly a member of Capt. Thaddeus Sheldon's company of New York Militia, war of 1812.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9371) granting a pension to Fannie A. Putney, have considered the same and report:

Elum Putney, the claimant's deceased husband, served in Capt. Thaddeus Sheldon's company of New York Militia, war of 1812, from September 11, 1814, to September 22, 1814. He was paid for twelve days' service. It is stated on the rolls of the company that the soldier was "discharged 18th September, 1814, at Burlington, distance from place of residence 75 miles."

The claimant filed an application for pension in the Pension Bureau, but the same was rejected on the ground that the soldier did not serve the requisite length of time (fourteen days) to entitle her under the general law.

The claimant's loyalty and identity are fully established by the testimony filed with her application. She is now about eighty years old.

The soldier's service lacked but two days of being of sufficient duration to entitle his widow to a pension, and in view of her great age your committee are of the opinion that it would be but an act of justice to grant the relief prayed for.

The passage of the bill is recommended.

The bill was ordered to be engrossed and read a third time; and it was accordingly engrossed, and read the third time.

MARTIN BRACHALL.

On motion of Mr. CANNON, by unanimous consent, the House proceeded to consider the bill (H. R. 10902) to grant a pension to Martin Brachall.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martin Brachall, who was a private in Capt. J. M. Gillespie's company, Illinois Militia, in the Black Hawk war, and pay him a pension of $30 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10902) granting a pension to Martin Brachall, have considered the same and report:

The claimant was a private in Capt. J. M. Gillespie's company, Illinois Militia, and served thirty-one days in the Black Hawk war in 1832.

His residence and post-office address is Danville, Ill.

He asks a pension of $30 per month by special act, declaring under oath that he is nearly eighty-two years old, feeble, with no property, and without any means of support whatever except manual labor. He states further that his father served seven years and six months in the Revolutionary war and was pensioned therefor till his death in 1831; that his father also served in the war of 1812.

H. P. Blackburn, of Danville, Ill., states on oath that the claimant is very old and feeble and makes his living entirely by working at the tailor trade, and that he is a man of unquestioned veracity, honest, sober, and industrious, but has no property whatsoever.

In view of this claimant's service, his great age and dependence, your committee recommend the passage of the bill granting him a pension at the rate of $20 per month, and the bill is amended accordingly.

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.

Mr. CANNON. Mr. Speaker, I wish I could get permission of the House to pass that bill now. I am awfully busy and do not know that I can be here on the next Friday session.

The SPEAKER *pro tempore*. In the absence of objection, the bill will be put upon its passage.

There being no objection, the bill was passed.

THOMAS EGAN.

On motion of Mr. CARUTH, by unanimous consent, the House proceeded to consider the bill (H. R. 7718) granting a pension to Thomas Egan.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Thomas Egan, late a private in Company G, Sixth Missouri Infantry.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7718) granting a pension to Thomas Egan, submit the following report:

Thomas Egan served as private of Company G, Sixth Missouri Volunteers, from June 17, 1861, to June 25, 1864, when discharged by reason of expiration of term of service. He applied for pension December 20, 1883, arguing that while engaged with the enemy near Florence, Ala., in September, 1863, a piece of the cap of the gun struck the upper lid of his right eye, from which injury the eye became diseased and continued to be sore until in March, 1880, he lost the sight of the said eye entirely; also that from sympathy the other eye became affected, and that since March, 1883, he has been totally blind.

There is no record of the injury, and claimant himself states that he received no treatment therefor in service, but at the advice of the regimental surgeon, now dead, kept the eye bandaged.

The case has been very thoroughly specially examined and no adverse testimony has been obtained, nor do any suspicious features appear in the several medical examinations. But the evidence as to incurrence of the disability is not satisfactory to the Pension Office, hence the rejection of the claim.

The evidence shows conclusively that claimant was a very robust man and of good eye-sight at enlistment. His officers and comrades remember little about him, he being a stranger to them at the time of his entry into service and having had no associations with them since discharge by reason of his residence in a State east of that in which the command was organized. Neither is it strange that an injury apparently so slight as that received by the claimant should be remembered after years of separation.

But the evidence filed in support of the claim, as well as that obtained by special examination, shows conclusively that immediately after return home, although otherwise in good health, claimant's eyes were seriously affected and continued to grow worse until, as heretofore stated, he became totally blind in the injured eye in 1880, and also in the other eye in 1883.

The claimant is shown to be a man of regular habits and truthful. He has an aged wife and four small children, is without means, and, as shown by the statement of the Hon. A. S. Willis, late a member of this House, the entire family is supported by charity.

Having served his adopted country faithfully for three years, and being now an object of charity, in the absence of any adverse feature in the case your committee feel inclined to solve whatever doubt there may exist as to the origin of the disability in favor the claimant, and therefore report favorably on the bill and ask that it do pass, amended, however, by adding after the word "Infantry," in line 6, the words "and pay him a pension at the rate of $40 per month."

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.

CAROLINE HAYES.

On motion of Mr. COGSWELL, by unanimous consent, the House proceeded to consider the bill (H. R. 1433) granting a pension to Caroline Hayes.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Caroline Hayes, daughter of Nathaniel Hayes, deceased, late of Second Company of Sharpshooters of the Twenty-second Regiment Massachusetts Volunteers, a pension of $20 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1433) granting a pension to Caroline Hayes, submit the following report:

Caroline Hayes is the only child of Nathaniel Hayes, who died while serving as private of the Second Company of Sharpshooters of the Twenty-second Regiment of Massachusetts Volunteers. She was pensioned after the widow's death and remained on the pension-rolls until February 7, 1879, when she reached the age of sixteen years. It also appears in evidence that she is now, and has been for many years, insane and under guardianship. She has no means nor income of any kind and is kept out of the almshouse by the contributions of the Grand Army post of the town in which she resides. There is no possibility of improvement in her condition.

The case is similar to others in which Congress has taken favorable action. The bill is therefore returned with the recommendation that it do pass, amended, however, by striking out all after the word "of," in line 7, and insert therein instead the words "eighteen dollars per month through her legally constituted guardian."

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.

VIRGINIA L. M. EWING.

On motion of Mr. YODER, by unanimous consent, the House proceeded to consider the bill (S. 973) granting an increase of pension to Virginia L. M. Ewing.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Virginia L. M. Ewing, widow of Charles Ewing, brigadier-general United States Volunteers, at the rate of $50 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Virginia L. M. Ewing, have had the same under consideration and beg leave to submit the following report:

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

[Senate Report No. 196, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Virginia L. M. Ewing, have examined the same and report:

The beneficiary under the bill, widow of the late Brig. Gen. Charles Ewing, is now in receipt of a pension of $30 a month, which is increased by its terms to $50. The committee find the following to be a fair statement of the services performed by General Ewing and of the claims of his widow and children:

General Charles Ewing, youngest son of the late Thomas Ewing, of Ohio, before the breaking out of the rebellion, was successfully engaged in the practice of the law in St. Louis. When the indications of the rebellion became threatening he relinquished his practice and applied himself to military studies preparatory to an offer of his services to the Government in the event that war ensued; and it so occurred that when his brother-in-law, General Sherman, was appointed colonel of the Thirteenth United States Infantry, Charles Ewing was commissioned captain in the same regiment. He served through the war, from 1861 to 1865, earning, by special capacity, endurance, and courage, promotion to the rank of brigadier-general.

The quality of these services is attested not merely by the official army records, but by the testimony of the General of the Army, who, by reason of his confidence in his relative and friend, charged him with difficult missions and imposed upon him extraordinary burdens, and especially in the Vicksburg campaign and on Sherman's marches to the sea and from Savannah to Raleigh, in which he suffered exposures that sowed the seeds of the malady of which he died; and the fact that a large share of his disabilities occurred while he bore the responsibilities and performed the labors of important commands entitles the case to equitable consideration.

There is a large amount of evidence before the committee showing the exceptional value of General Ewing's services and of his hardships and exposures, which left him in broken health and culminated in his premature death, leaving seven children to the care of his widow; but the committee confine themselves to that contained in the letter from Surgeon-General Moore, hereto appended, whose conclusions they adopt.

The bill is heartily approved and its passage recommended.

The bill was ordered to a third reading; and was accordingly read the third time.

JOHN O. MATHIS.

On motion of Mr. BUCHANAN, of New Jersey, by unanimous consent, the House proceeded to consider the bill (H. R. 1186) granting a pension to John O. Mathis.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John O. Mathis, late of Company G, Fourth Regiment New Jersey Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1186) granting a pension to John O. Mathis, submit the following report:

The application of the claimant for a pension was rejected by the Pension Office November 21, 1885, for the reason that there was no record at the War Department showing that he had suffered from rheumatism while in the service, and his "inability to furnish competent testimony," showing that the same was contracted in the service.

The claimant enlisted in the service August 17, 1861, and was discharged at the expiration of his term of service, August 20, 1864. During these three years the claimant was twice in hospital and once (at the battle of Gaines's Mills, Virginia) was taken prisoner, remaining a prisoner from June 27, 1862, to August 5, 1862. He claims that at the battle of Gettysburgh, by reason of the exposure he suffered there, he contracted rheumatism.

Dr. P. K. Hilliard, his family physician, testifies that after claimant returned from the Army, and during 1865, he treated claimant for rheumatism. This treatment continued until March, 1866, when claimant left his neighborhood.

Dr. M. W. Reeves testifies to treating claimant for sciatica or neuralgia, and believes his disability results from exposure in the service. He further testifies to the present existence of the disability.

Franklin Adams, Joseph P. Adams, Caleb W. Auren, Israel A. Craumer, and John H. Austin, neighbors and acquaintances of the claimant, testify to his good health before entering the Army and his disability on his return and since. These men are well known in their community, and, like the claimant, are of high personal standing. We think established beyond question by the testimony in the case the fact that he was sound when he entered the service and was disabled when he left it. Because of the death of comrades and the failure of recollection of surgeons, who were treating daily in the field hundreds of men, he can not prove the exact origin of the disability, save by his own oath, he ought not to be debarred from the benefit of our pension laws. We recommend that the bill do pass.

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

JOHN B. REED.

On motion of Mr. FORMAN, by unanimous consent, the House proceeded to consider the bill (H. R. 8016) increasing the pension of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to continue the name of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers, on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $75 per month, in lieu of the pension of $25 per month.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8016) for the relief of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers, begs leave to make the following report:

We find that Col. John B. Reed organized a company of volunteers in August, 1862, in Bond County, Ill.; was elected captain of said company; that they were ordered to rendezvous at Belleville, and from there to Springfield, Ill., and attach to the One hundred and thirtieth Regiment Illinois Volunteers; that the said Reed was commissioned as major of said regiment and served in that capacity until July 5, 1864, when he was promoted to lieutenant-colonel of said regiment, *vice* James H. Mathemy, resigned; that said regiment participated in the Red River expedition at the battle of Mansfield; Colonel Reed, the only field officer present at that engagement, was severely wounded by a rifle ball passing through the upper lobe of the right lung and the entire body: that he was captured and taken to Tyler, Tex., as a prisoner of war; that upon his partial recovery he was paroled. He returned to the Union lines, was exchanged, and again took command of the regiment. Colonel Reed was the only field officer who remained with his regiment from the time of its organization to its muster out.

The committee does not deem it important to follow this gallant soldier through all his services in the war of the rebellion, but from an examination of the history and roster of the One hundred and thirtieth Illinois, filed with the committee, we have no hesitation in saying that his conduct upon all occasions was deemed by his superior officers as meritorious, having received several promotions for gallantry on the field; that he receives now a pension of $25 per month for the gunshot wound hereinbefore mentioned; that while on duty at McIntosh Bluff with his men tearing down a log building he received an injury to his leg which caused the formation of varicose veins, and which disability is continued to the present time and is at times very serious, requiring the application of rubber bands, and is 2½ inches larger in diameter than the other leg, for which disability he has never applied for and receives no pension; that some years ago, as the remote effect of his wound, he had a very severe stroke of paralysis, from which, as appears by the affidavit of reputable physicians, he has never recovered, and never will, and he is totally disqualified from performing any manual labor.

He has been in moderate circumstances, but by long-continued sickness and his inability to attend to business has lost his property and is now very poor and unable to support himself and family. He is a man of excellent habits and standing in his community. We therefore recommend that said bill be amended by striking out the words "seventy-five" in line 8 of said bill, and that the word "fifty" be inserted in lieu thereof, and that the bill as so amended do pass.

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.

EDGAR M. CHERRY.

On motion of Mr. HALL, by unanimous consent, the House proceeded to consider the bill (S. 2043) granting a pension to Edgar M. Cherry.

The bill is 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 Edgar M. Cherry, late a member of Company A, Thirty-second Regiment Wisconsin Volunteers, and pay him a pension of $24 a month, in lieu of the pension he is now receiving.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2043) granting a pension to Edgar M. Cherry, submit the following report:

Your committee, having had said bill under consideration, adopt the report of the Senate committee, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 2043) granting a pension to Edgar M. Cherry, have examined the same and report:

"The claimant under the bill, late a member of the Thirty-second Regiment Wis-

cousin Volunteers, while in service and battle, received a gunshot wound in the face, which resulted in total loss of sight of the right eye, with partial loss of sight of the left, partial loss of nose, with entire stoppage of the breathing apertures, forcing all breathing through the open mouth, and producing chronic sore throat and a disfigurement most painful to witness and endure.

"For these disabilities the claimant has been drawing pension at from $8 to $16, of which last rate he is now in receipt. His trade is that of miller, which his wound, producing the disabilities above described, compels him to abandon, as it does also to forego every employment in which dust and heat or light and sight are incident or requisite. His injuries thus reduce him practically to a condition of blindness, while the constant irritation to which he is subject renders his state in some respects even worse than that. These facts are shown by the testimony and have influenced the Pension Bureau from time to time to increase his rating.

"To enable the committee to act with understanding and justice the claimant made photographic profert of his wound; and, if there had been no other testimony than the fact that the disfigurement thus pictured was incurred in service and on duty, it would have justified the approval of the bill, which is hereby made, with the recommendation of the committee that the same do pass."

The bill was ordered to a third reading; and was accordingly read the third time.

ELLERY C. FOLGER.

Mr. BAKER. Mr. Speaker, my attention has been called to House bill 2174, to remove charge of desertion from Ellery C. Folger, just passed, where an error in the printing occurs. It reads "August the first, eighteen and sixty-one." I ask unanimous consent to insert the word "hundred," so as to read "eighteen hundred and sixty-one." This is the bill of the gentleman from Maryland [Mr. MCCOMAS].

There being no objection, the amendment was adopted.

MRS. F. SELINA BUCHANAN.

On motion of Mr. MANSUR, by unanimous consent, the House proceeded to consider the bill (S. 2036) granting an increase of pension to Mrs. F. Selina Buchanan.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. F. Selina Buchanan, widow of the late McKean Buchanan, of the United States Navy, and pay her a pension of $50 per month, in lieu of the amount she is now receiving.

The report (by Mr. LEWIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2036) granting an increase of pension to Mrs. F. Selina Buchanan, submit the following report:

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

"The petitioner, Mrs. F. Selina Buchanan, is the widow of the late McKean Buchanan, who, at the time of his death, March 18, 1871, was a pay director in the United States Navy, with the rank of commodore (the highest attainable by officers of his grade), assimilated to that of brigadier-general in the Army.

"Pay Director Buchanan entered the Navy in 1826 and participated in two wars. By act of Congress, December 21, 1861, limiting the term of active service to forty-five years of service or to sixty-two years of age, he was retired from service, he having been born in 1798. Although by this law permitted to withdraw from active duty, he remained at his post on board the frigate Congress until she was sunk in Hampton Roads, March 9, 1862. During the engagement with the Merrimac on the date named he commanded the berth-deck division and performed gallant service until the sinking of the ship.

"Being at that time sixty-four years of age, the shock to his system was such that his health was seriously undermined, and his death was the result.

"By the act of March 3, 1871, revising the various naval grades, Paymaster Buchanan was raised to the grade of pay director (then newly created), with the rank of commodore, but his death occurred two weeks later, on March 18, 1871, before the issuance of his commission.

"In view of the foregoing facts, of the decedent's long and valuable services, of the widow's advanced age, she being now eighty-six years old, and in view of the further fact that there are now, or were not long since, on the pension-rolls the widows of ten admirals, four commodores, and a number of other officers of the Navy and Marine Corps, receiving $50 per month, your committee recommend that the prayer of the petitioner be granted, and they submit herewith a bill increasing her pension from $30 to $50.

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

Your committee likewise recommend the passage of the bill.

The bill was ordered to a third reading; and was accordingly read the third time.

ARTHUR CONNERY.

On motion of Mr. LACEY, by unanimous consent, the House proceeded to consider the bill (H. R. 4825) granting a pension to Arthur Connery.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension-rolls of the United States the name of Arthur Connery, of Company B, Fifty-fifth Regiment Pennsylvania Volunteers, the rating to be subject to the general pension laws.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4825) granting a pension to Arthur Connery, submit the following report:

Arthur Connery was a soldier of Company E, Fifty-fifth Pennsylvania Volunteers. His application for pension was rejected because of want of sufficient corroborative proof of origin of disability. He claimed he was disabled by hernia contracted when on duty near Appomattox, Va., in April, 1865, but he has no hospital record.

Claimant swears that his rupture was produced by marching and carrying his accouterments. A. G. Shortall, recorder of deeds of Schuylkill County, Pennsylvania, testified that he had known the claimant from childhood and that he was sound when he enlisted, and to the same effect is the testimony of James T. Kelley. Thomas Convoy, a comrade, testifies that he slept with claimant on the march in Virginia, and that claimant complained and told him he had contracted hernia and was wearing a truss.

L. B. Bandt, surgeon of the Fifty-fifth Pennsylvania, testified that Connery complained of rupture in Virginia, and that he procured a truss for him, and that he believes he contracted hernia in the service, and it was caused by the strain of carrying his accouterments. J. A. Beaty testified that he saw the claimant on his return from the service, and knows he was then ruptured, and in 1882 O. D. Lawson examined claimant and he swears he found him suffering from hernia.

Your committee believe that the proof shows with reasonable clearness that Connery contracted hernia in the service and in line of duty, and therefore recommend the passage of said bill. The bill should be amended by striking out in the fifth line "Company B" and inserting "Company E."

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.

HANNAH LEO, WIDOW OF JOHN LEARY, DECEASED.

On motion of Mr. MANSUR, by unanimous consent, the House proceeded to consider the bill (S. 2285) granting a pension to the widow of John Leary, 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 on the pension-roll the name of the widow of John Leary, late a first sergeant in Battery F, Third Artillery, United States Army in the war of the rebellion, and pay her at the rate of $20 per month from and after the passage of this act.

The report (by Mr. LEWIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2285) granting a pension to Hannah Leo, submit the following report:

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

"That the claimant, Hannah Leo, widow of John Leary before her second marriage, was, at the time of the death of her first husband, the wife of John Leary, deceased, late a private or sergeant, rated as in 'general service of the U. S. Army.'

"The said John Leary enlisted on the 26th day of July, 1854, and was discharged July 26, 1859, by expiry of term of service. He re-enlisted August 26, 1859, and was assigned to Battery F, Third Artillery; served in the war of the rebellion; was slightly wounded at the battle of Malvern Hill, July 1, 1862; was discharged for disability March 25, 1863, at Baltimore, Md. He again enlisted in the general service in the Adjutant-General's Office in Washington, April 7, 1863, whence he was discharged April 1, 1864. He was in the service in all about ten years.

"The soldier died on December 8, 1872. He left surviving him the claimant, as widow, and four children. All of these except one are now over pensionable age. Their claim for pension was rejected. The widow afterward married a man by the name of Leo, who has since died, leaving her for the second time a widow. Neither husband was a man of any means. She now claims a pension for the service and death of her first husband. Leary, the soldier, died in Washington, December 8, 1872, of pneumonia, as it is certified.

"We find that during his military service he was treated for rheumatism, for incised wound, for diarrhea, for ambustio, for chronic articular rheumatism. Medical and other testimony shows that at the time of his discharge and afterward he was suffering from lung troubles, appeared consumptive, was treated for the same, and we think it most probable that he died from the effects and results of disease incurred while in the service.

"The widow is now over forty years old, very poor, dependent upon her daily labor for support.

"We recommend the passage of the bill."

Your committee likewise recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

JAMES M. MONROE.

On motion of Mr. PETERS, by unanimous consent, the House proceeded to consider the bill (H. R. 8923) increasing the pension of James M. Monroe.

The bill was read, as follows:

*Be it enacted, etc.*, That the pension now granted to James M. Monroe for "loss of left leg and part of right foot," as a member of Company G, Forty-second Ohio Volunteer Infantry, be increased to $50 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8923) increasing the pension of James M. Monroe, submit the following report:

The claimant was a private soldier in Company G, Forty-second Ohio Volunteers. At Chickasaw Bayou, near Haines Bluff, in General Sherman's first attack on Vicksburgh, on the 28th day of December, 1862, claimant was wounded by a shell from the enemy's battery, which necessitated the immediate amputation of his left leg. The shot also struck his right foot carrying away the three outside toes and their metatarsal bones. The second joint of the second toe is anchylosed, causing it to stand up, and when walking it presses against the great toe causing friction and pain. The cicatrix on the outside of the foot is very tender, therefore claimant is compelled to throw the pressure when standing or walking on the inside of the foot, which produces a large clavi pedum and is very painful.

Claimant is pensioned at $30 per month, which is a specific rate for loss of one leg, and to which amount he is entitled without the disability of the right foot. There being no law by which these two disabilities can be compounded, your committee find this a very meritorious case, and one which can only be reached by special act; therefore recommend the passage of the bill with the following amendment, striking out "$50" and inserting "$40."

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.

THOMAS NELSON.

On motion of Mr. LA FOLLETTE, by unanimous consent, the House proceeded to consider the bill (H. R. 6084) for the relief of Thomas Nelson.

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 Nelson, late a private in Company E, Third Wisconsin Volunteers, and subsequently second lieutenant of Company E, Forty-fifth Wisconsin Infantry Volunteers, to $15 per month, and pay him such pension from and after the passage of this act.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6084) granting an increase of pension to Thomas Nelson, submit the following report:

Thomas Nelson enlisted in the Third Wisconsin Volunteer Infantry as a private. The records of the War Department show that he received three gunshot wounds, while in action at Dallas, Ga., on the 25th day of May, 1864, two in the left thigh and one in the left leg, below the knee. One of the bullets entered the thigh 6

inches above the knee, cut the cords of the leg, and embedded itself in the thigh bone.

The testimony in the case proves that at the time he was with his company, and in the front rank, charging a Confederate battery, and that the soldier was within 4 or 5 rods of the battery when shot down.

The records in this case at the Pension Bureau show further that when the soldier had partially recovered from these wounds, but while he was still very lame in consequence thereof, he was, on February 8, 1865, promoted and commissioned second lieutenant of the Forty-fifth Wisconsin Volunteer Infantry; that six days later, while on recruiting service, and while descending a flight of stairs, and because of his great lameness and without fault upon his part, he received a severe fall, dislocating his left shoulder and badly fracturing the neck of the left humerus, and also fracturing the middle third of the left humerus, or upper and principal bone of the arm. Respecting the gunshot wounds and this fracture, the records of the Adjutant-General's Office contain the following from E. J. Dahm, assistant surgeon of the Forty-fifth Regiment Wisconsin Volunteers, dated June 15, 1865:

"He is unfit for service on account of lameness caused by three wounds, said to have been received in the battle at Dallas, Ga., May 25, 1864, while a private in Company E, Third Regiment Wisconsin Volunteers. One wound is through the fleshy part of right leg, the two others through the left thigh, one of the musket-balls yet remaining in contact with or embedded in the bone. He has also paralysis of the deltoid muscle of the left arm, caused by a fracture of the neck of the humerus, according to a certificate from E. Kramer, surgeon Forty-fifth Wisconsin Volunteer Infantry, the accident occurring in the city of Madison, Wis., February 14, 1865, while in the discharge of his duty as an officer."

The medical testimony in the case, in an unbroken line, clearly proves not only an impaired and crippled condition of the arm resulting from said injury, but an imperfect reduction of the dislocation and such an imperfect union of the fracture as to cause a progressive disease of the bone and a wasting of the muscles from that time forward.

In 1875 he was granted a pension for gunshot wound and injury to left shoulder. This was increased from time to time until, with the several general acts increasing pensions of like grade, including the act of August 4, 1886, Lieutenant Nelson was pensioned at $36 per month.

The condition of his arm as early as 1875 was such as to occasion him the greatest suffering. The disease of the bone and muscles had gradually developed. In 1876 the examining surgeon of the Pension Bureau reported that the fracture "produced partial anchylosis of the joint and prevents him from raising his arm up from the side on a line with his body."

In 1877 the examining surgeon says:

"There is atrophy of 2 inches of the muscles of the arm, and, in consequence of numbness of the fingers and atrophy of the muscles, he has but little use of the left arm for manual labor."

In 1881 the board of examining surgeons say:

"We find much crepitus in the shoulder joint. He can not raise the arm from the shoulder. The arm is quite helpless. Has also suffered a fracture of the left fore-arm, probably, partially at least, in consequence of the helplessness of the arm."

The fractures of the arm between the elbow and wrist were due to his being thrown from a sleigh and falling upon the weakened and diseased arm, producing this additional injury, an accident which would not have befallen him, except for the disabilities incurred in service, for which he was pensioned, the crippled condition of his legs, due to wounds, and the diseased and wasted condition of his arm.

In 1884 the board of examining surgeons say of the original injury to the arm at the shoulder:

"We find a fracture of the neck of left humerus, with partial dislocation inwards of the head of the bone. There is pain on moving the joint, with decided crepitus. The arm is quite useless and can be raised but a short distance from the side. He has, in consequence of loss of control of the arm, suffered several fractures of the fore-arm, a fracture of the ulna in upper third with bad results, bone uniting at an angle and overlapping, also fracture of radius in lower third and no osseous union."

In July, 1887, the board of examining surgeons say:

"Arm hangs helplessly from the shoulder. Fore-arm and hand also helpless."

The testimony of his neighbors, of record in the case, is in entire harmony with this medical evidence and establishes beyond question the fact that prior to receiving the fracture of the left fore-arm the old fracture and dislocation of the left humerus and shoulder and the resulting disease of bone and atrophy of muscles had so progressed that as early as 1879, and even before, Lieutenant Nelson had been wholly unable to perform any manual labor of any description and required constant assistance in the ordinary care of his own person.

As the disease of the arm developed, it was attended by constant and increasing pain, extending from the shoulder to the hand.

Several physicians were applied to for relief, and their testimony is a part of the record in this case. They describe the arm as "discolored," as "entirely useless," and the patient's condition as "much worse than as if the arm were gone." Dr. W. W. Gill, a practicing surgeon and physician of Madison, Wis., examined the arm several times, and as early as 1883 advised amputation. He testifies that—

"The indications were that the bone was becoming necrosed. The pain at times was very severe, extending from the shoulder to the fingers. This pain continued growing worse from time to time."

In December, 1886, Lieutenant Nelson was compelled to seek some relief from this increasing disability and suffering, and for that purpose he visited Hahnemann Medical College and Hospital, Chicago. Dr. George A. Hall, professor of the principles and practices of surgery and clinical surgery of that institution, took charge of the case. An examination was made, and an operation was performed by Dr. Hall, December 20, 1886. Dr. Hall testifies that he found the patient had "sustained a fracture of cervical neck of left humerus, also a fracture of middle third of same, and subsequently fracture of both bones below elbow of left arm, upper one-third; following this a fracture of radius 2½ inches above radiocarpal articulation, and the ulna 1 inch above articulation.

The operation and effort to save the arm proved unavailing, and upon the 10th day of October, 1887, Dr. Hall amputated it.

The claimant applied for an increase of his pension to $45 per month, and the medical referee at the Pension Bureau declined to accept the amputation of the arm as resulting from the original dislocation of shoulder and double fracture of the left humerus, and reduced the rate of his pension to $24 per month. The medical referee says, in rendering his decision in the case, that—

"In view of the contradictory statements of Dr. Hall and the statements of our examining surgeons, that there was no necrosis or ulceration in the humerus and upper arm, we must decline to accept his latter statement as sufficient to show that the amputation of the humerus was made necessary by the injury of the left shoulder for which the soldier was pensioned."

As Dr. Hall made two affidavits in relation to the amputation and as certain alleged "contradictory statements" in these two affidavits are assigned as reasons for the opinion of the medical referee, the affidavits are herewith submitted. In the first one, dated December 19, 1887, Dr. Hall testifies:

"That the condition of the arm previous to amputation was as follows: There was non-union of both bones of the fore-arm, for which operation had been made December 20, 1886, and all efforts made for their restoration, but the result was failure. The arm continued useless and helpless, and from the diseased condition of the bones of the fore-arm it was agreed and I believe that further attempt to reduce the integrity of the fore-arm would have been of no avail; that on the 10th day of October, 1887, this affiant amputated said arm at a point a little above the middle of the humerus. The bone at this point was diseased. It having undergone osteomyelites made the shell very thin and the bone sensitive. The condition of the bone at the time of amputation, the result of former injuries, and also that said amputation was so near the shoulder-joint that it will be impossible for said claimant to use an artificial arm."

In the second affidavit, dated February 7, 1890, he testifies as follows:

"On the 10th day of October, 1887, I amputated the left arm of Thomas Nelson, the claimant, very close to the shoulder. In my opinion said amputation was very necessary for the reason that the bone was splintered, necrosed, and ulcerated. I believe that said operation was necessary in order to save the life of the patient. The condition of the bone was the result of a fracture of humerus at middle third while in the Army and Federal service. He had lost entire use of left arm and the continued pain, loss of sleep, and impairment of health made the amputation a necessity to save life."

It is true that in the first affidavit Dr. Hall describes the condition of the fractures of the fore-arm as well as the condition of the fractures of the humerus. It is true also that when the Pension Bureau, not satisfied as to the condition of the original injury to shoulder and fracture of humerus at the time of the amputation, called upon the claimant to furnish more evidence on that point, and he applied to Dr. Hall to explain more fully and exactly the condition of the old injury as he found it on amputation—it is true that Dr. Hall, responding to this call, in the second affidavit did describe it more fully and particularly. Then, because the second affidavit disagreed with the first, in that it was more explicit upon the points upon which more explicitness was demanded, it is declared to be in contradiction with the former affidavit, and on that account it is rejected.

Dr. Hall is a practicing physician of fifty-five years of age, at the head of the surgical department of Hahnemann Medical College and Hospital. He is a gentleman whose eminence in his profession ought to insure to his opinions great weight and his statements under oath to belief. Your committee find no contradiction in his testimony warranting the rejection of any part of it.

The other special reason assigned by the medical referee in the summation of his opinion before quoted is the alleged "statements of our examining surgeons that there was no necrosis or ulceration in the humerus and upper arm."

Your committee have carefully searched the record and have reviewed every statement made by the examining surgeons in this case from first to last and assert that in no instance, either directly or indirectly, do the examining surgeons state that there was "no necrosis or ulceration in the upper humerus and upper arm." They express no opinion whatever upon this particular phase of the disease. But Dr. W. W. Gill testified after repeated examinations of the arm, nearly four years prior to amputation, that in his opinion there was no necrosis of the bone.

The bone was not laid bare to view until Dr. Hall operated on and amputated the arm. Even if there was disagreement—and there is not—the testimony of Dr. Hall as to what he saw must outweigh all mere opinions formed by others from previous external examination.

Finally it is very pertinent to inquire if the arm was amputated because of a fracture between the elbow and wrist, why was it amputated close to the shoulder? The danger of the operation is increased with the near approach to the body.

No man willingly parts with more of the precious limb, when the ordeal of amputation must be endured, than surgical science demands. Lieutenant Nelson was reluctant to lose his arm, though it had been worse than useless, almost from the time of his discharge. When finally the risk of retaining it longer became too great no more was taken off than was deemed necessary to save his life. If it was cut off close to the body, it was solely because the disease of the bone which required amputation was close to the shoulder or at the point of original injury.

In brief the facts of this case are:

That Thomas Nelson, a gallant private soldier, in the front rank of his company, charging a Confederate battery, fell within a few rods of the battery, shot three times through both legs.

That, while yet lame and scarcely able to walk, he was promoted lieutenant of the Forty-fifth Wisconsin Infantry, assigned to recruiting service, and while in the line of duty received a severe fall, dislocating his left shoulder and breaking the bone of his left arm twice near the shoulder.

That the arm was crippled and the bone diseased at the points of the original injury from that time, and continuously grew worse from year to year until the arm became "helpless from the shoulder down."

That because of lameness in leg from wounds and utter helplessness of the arm from said injury he suffered a fracture of the injured arm between the elbow and wrist subsequently.

That the arm finally was amputated because its condition, from the shoulder down, was such as to render amputation necessary to save the soldier's life.

That it was found necessary, because of the necrosed, ulcerated, splintered, and diseased condition of the bone of the upper arm, due to the injury of said arm in the service, to amputate it so close to the shoulder as to render it impossible for the claimant to wear an artificial arm.

Therefore, because the proofs and records in this case clearly sustain the foregoing, your committee unanimously recommend the passage of the bill allowing him a pension at the regular rate for loss of arm at the shoulder joint, instead of the pension he is now receiving.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

ASA JOINER.

On motion of Mr. TURNER, of Georgia, by unanimous consent, the House proceeded to consider the bill (H. R. 10811) granting a pension to Asa Joiner.

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 Asa Joiner, of Mitchell County, Georgia, late a private in Captain Ball's company, Georgia Volunteers, also late a private in Captain Horn's company, Georgia Volunteers, in the Indian war of 1836, at the rate of $8 per month.

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

The Committee on Pensions, to whom was referred the bill (H. R. 10811) granting a pension to Asa Joiner, have considered the same and report:

The claimant was a private in Capt. Greene B. Ball's company of the Seventy-seventh Regiment Georgia Militia, Indian war of 1836, and served from May 16, 1836, to June 16, 1836.

The testimony accompanying the bill shows clearly that the claimant is eighty-four years old, very feeble, and dependent entirely upon his manual labor for support, he having no other means of livelihood.

In view of the numerous precedents for the allowance of pensions to the aged and dependent survivors of the old Indian wars, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

ALFRED A. JEROME.

On motion of Mr. BURTON, by unanimous consent, the House proceeded to consider the bill (H. R. 4013) granting an increase of pension to Alfred A. Jerome.

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 Alfred A. Jerome, late sergeant Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension of $67 per month, which shall be in lieu of his present pension from and after the passage of this act.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4013) granting an increase of pension to Alfred A. Jerome, submit the following report:

Alfred A. Jerome was a sergeant in Company A, Twenty-third Regiment Ohio Volunteers, and drew a pension at the rate of $8 a month from June 5, 1865, to April 3, 1884, since which time he has received $17 a month, for gunshot wound of face and resulting loss of left eye.

It appears from evidence on file that the ball struck the lower part of the orbit of the left eye, destroying the eye and crushing the orbit, and passing inward toward the left ear, destroyed the bones that formed the joint of the lower jaw, on the left side of the face, resulting in complete loss of motion in the jaws, there being no lateral motion, and only power to open the mouth one-fourth of an inch. He can not masticate food and must depend upon liquid food to sustain life, and consequently is a great sufferer from indigestion and from nausea, and is wholly unable to perform any kind of manual labor.

He applied at the Pension Office for increase, but his claim was rejected there for the reason that under the general law he could not be rated for the accumulative disabilities under which he suffers.

It also appears that his present pension is entirely inadequate to his disability and that the present pension laws do not provide for such a case as this.

In the opinion of this committee, this is a case that fully warrants granting relief to this soldier.

The committee therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "sixty-seven" in line 8, and inserting the word "fifty."

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.

AGNES M. BRADLEY.

On motion of Mr. GEISSENHAINER, by unanimous consent, the House proceeded to consider the bill (H. R. 6070) granting an increase of pension to Agnes M. Bradley.

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 Agnes M. Bradley, widow of George W. Bradley, late a captain and assistant quartermaster United States Army, the sum of $50 per month, in lieu of the amount she is now receiving.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6070) granting an increase of pension to Agnes M. Bradley, submit the following report:

That Agnes M. Bradley is the widow of George W. Bradley, who was appointed captain and assistant quartermaster December 4, 1862. Served as lieutenant-colonel and assistant quartermaster from September 17, 1864, to November 6, 1864, and as colonel and quartermaster from November 7, 1864, to October 18, 1866, and accepted commission as captain and assistant quartermaster, United States Army, to date November 15, 1865.

In this rank he continued in the service, on duty, until his death, February 20, 1882. He served during the war as chief quartermaster, Tenth Corps, in the field, chief quartermaster, City Point, Va., chief quartermaster middle division department, and depot quartermaster Baltimore, Md. After the war, at various points: Fort Riley and Fort Harker, Kans., Fort Union, Tex., Charleston, S. C., Bismarck, Dak., St. Paul, Minn., Yuma Depot, Ariz., San Francisco, Cal., San Antonio, Tex., and Philadelphia. His widow was allowed a pension at $20 for his rank at time of his death.

The committee, in view of the long and faithful service of this officer, recommend the passage of the bill, amended to give her a pension according to the rank held by her husband during the war.

Amend by striking out "fifty" and inserting "thirty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MRS. SUSAN A. DEAN.

On motion of Mr. CALDWELL, by unanimous consent, the House proceeded to consider the bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean.

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 Susan A. Dean, widow of Mahlon C. Dean, late first lieutenant Company K, Twenty-eighth Iowa Volunteer Infantry, and to grant her a pension at the rate of $12 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7375) granting a pension to Susan A. Dean, submit the following report:

The applicant is the widow of Mahlon C. Dean, who was a soldier of Company K, Twenty-eighth Iowa Infantry. In December, 1864, said soldier was sent home on furlough. In January, 1865, when returning to his regiment, he was severely frozen, from the effect of which he died in 1867. The widow applied for a pension, but the application was rejected on the ground that the soldier, being on furlough, was not in line of duty when injured. The ruling was sustained, on appeal, by the Secretary of the Interior, who makes this statement:

"It has been alleged and satisfactorily proven that the soldier while returning from his furlough had his ear frozen, and from said cause death ensued."

It will be observed that this widow would be entitled to a pension under the general law were it not for this technical ruling.

Your committee is of the opinion that in this case the soldier was obeying the implied orders of his furlough—returning to the front—and that his widow is entitled to a pension.

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

SQUIRE WEST.

On motion of Mr. COOPER, of Indiana, by unanimous consent, the House proceeded to consider the bill (H. R. 5106) for the relief of Squire West.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Squire West, late a private in Company F, Fourth Regiment of Indiana Volunteers.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5106) for the relief of Squire West, have considered the same and report:

The claimant was a private in Company F, Fourth Indiana Volunteers, and served over thirteen months in the war with Mexico. He filed an application for pension February 18, 1878, alleging that he incurred a rupture and also deafness during his service, but he was unable to furnish the proof required by the Pension Bureau and the claim was consequently disallowed.

Subsequently his name was placed on the pension-roll at $8 per month under the Mexican war service act of January 29, 1887. This sum now constitutes his sole income. He has no property, and by reason of age and an immense double rupture he is wholly incapacitated for any manual labor. He is about eighty-one years old.

Your committee believe that relief should be granted in this case, and the bill is reported back with the recommendation that it do pass with the following amendments: Change the title so as to read: "A bill granting an increase of pension to Squire West;" also amend by adding after the word "volunteers," in line 7, the words "and allow him a pension at the rate of $30 per month, the same to be in lieu of the amount now paid him."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

JULIA W. FREEMAN.

On motion of Mr. CUTCHEON, by unanimous consent, the House proceeded to consider the bill (H. R. 2420) granting a pension to Julia W. Freeman.

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 Julia W. Freeman, a resident of Marshall, Mich., at the rate of $25 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2420) granting a nurse's pension to Julia W. Freeman, submit the following report:

In September, 1862, Julia W. Freeman, learning that her brother, a Union soldier, was dangerously wounded at Chantilly, left her home in Michigan and went to Alexandria, Va., to nurse him. She there became interested in the condition of the wounded Union soldiers, and from that time until July, 1865, devoted herself to their aid in hospital and in the field. Her labor was of the most efficient character. She was in the hospital, in camp, with the ambulances, wherever in fact a soldier needed nursing, food, clothing, or hospital attendance.

The wounded of Gettysburgh and of the Wilderness, the sick and dying in field hospitals at Stevensburgh and Brandy Station, were indebted to her for many comforts procured by her for them, and for assiduous care. During all the period mentioned she served in nearly every hospital connected with the Army of the Potomac. On the 6th day of July, 1864, in the midst of her labors, she was prostrated by typhoid fever. She was then at City Point, living in a tent and taking care of the sick and wounded. On the 2d of August she was removed to Washington. The fatigue of the journey brought on a relapse, and she was very ill for five weeks, and then went to Michigan to recruit her health. While there she collected money, provisions, and comforts for the soldiers, which she forwarded to Washington. After a few weeks at home recuperating, she returned to Washington and resumed her work for the sick and wounded, which ended in July, 1865.

This is only a partial sketch of this woman's services to her country. She performed these services without one cent of compensation.

She has never been healthy since she had typhoid fever, the result of exposure to the elements, of overwork, and of the fetid air of hospitals.

She was a brave woman, a patriot in the highest sense of the term.

In accordance with their custom in cases where nurses are deserving and served without pay, the committee recommend the passage of the bill, amended, however, by striking out the words "twenty-five" in line 6 and inserting the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

THOMAS W. HOUTS.

On motion of Mr. TARSNEY, by unanimous consent, the House proceeded to consider the bill (H. R. 2968) for the relief of Thomas W. Houts.

The bill was read, as follows:

*Be it enacted, etc.*, That the President be, and he is hereby, authorized to remit the unexecuted portion of the sentence of court-martial in the case of Thomas W. Houts, late major Seventh Cavalry Missouri State Militia, and to cause said Thomas W. Houts to be honorably mustered out of the volunteer service of the United States, as of the date of said sentence of said court-martial: *Provided*, That the said Thomas W. Houts shall not in consequence of the passage of this act be entitled to have or receive back pay or allowance.

The report (by Mr. KINSEY) is as follows:

The Committee on Military Affairs, to whom was referred the bill H. R. 2968, having considered the same, respectfully report:

At the beginning of the late war Thomas W. Houts was a prosperous young merchant in the town of Warrensburgh, Johnson County, Missouri.

Long before the firing upon Fort Sumter he had openly declared for the Union and announced his intention of seeking an early opportunity of entering the military service of the United States.

His father, then an old man, was a prominent and influential citizen of the county and was an unconditional Union man, as was also his older brother, William L. Houts, with whom Thomas W. Houts was then associated in business.

The two brothers, at the risk of their lives, became very active in the Union cause, and were in constant communication with the Union leaders in that part of the State.

In May and June, 1861, when what was afterwards the Twenty-seventh Mounted Infantry Missouri Volunteers was recruited in that county, Thomas W. Houts was one of the first men to shoulder his musket and take his place in the ranks. On the 4th day of July, 1861, he was mustered into the service, for three years or during the war, as a private soldier in that regiment. He was soon afterwards promoted to quartermaster, and served in the field with his command in the army of the frontier until the early part of January, 1862. He then resigned and returned home, and re-enlisted at once as a private in Company A of the Seventh Cavalry Missouri State Militia, whose first battalion was then being recruited there by Maj. Emory S. Foster.

On the 11th day of January, 1862, Houts was promoted to the captaincy of his company. He took the field with it, drilled it up to a high state of efficiency, camped, marched, and fought in its front rank in the Southwest until the 16th day of February, 1863, when he was commissioned major of the second battalion of his regiment.

By that time he had made an enviable record as a true and faithful soldier and was much beloved by the men under his command.

He was a very gallant and dashing cavalry officer, always ready for any sort of desperate service, and distinguished among the many brave men with whom he served by extraordinary courage and coolness in action, as well as good judgment in the execution of difficult orders, great zeal for the cause, and unflinching loyalty to his friends.

Had a proper opportunity been afforded him he would have undoubtedly risen to a high rank in the service. As it was, he was justly regarded as one of the best officers of his grade in Missouri. He was, however, essentially a man of action, and therefore chafed under the restraint incident to garrison life and was not as well versed in military law as many other men who wholly lacked his fiery zeal and splendid courage in the field.

In the summer of 1864, Major Houts was stationed with his regiment at Warrensburgh, Mo., then the headquarters of the central military district of Missouri.

Then came the memorable campaign against Price in Missouri, in which Major Houts served with credit in the field at the head of his battalion.

Upon the return of the regiment to Warrensburgh, in December, 1864, at the close of that campaign, its colonel (Philips) was placed in command of that district, its lieutenant-colonel (Crittenden) was detailed to command that post, thus leaving Major Houts as the ranking officer of the regiment.

The provost-marshal then on duty at that post, Captain Ferguson, of the Seventh, reported directly to the provost-marshal-general, at department headquarters in St. Louis, but, as Major Houts had not been placed in command of his regiment by any formal orders, the orders detailing Captain Ferguson for duty as provost-marshal had not been communicated to him, and he was consequently not advised of their existence.

On the 13th day of December, 1864, William Higgins, then a private soldier in the Fifteenth Kansas Cavalry, now secretary of state of Kansas, arrived in Warrensburgh in company with Major Houts's brother, Capt. William L. Houts, who then lived in Kansas.

They stopped with Major Houts's father, in Warrensburgh, and of course frequently met Major Houts there.

Higgins had been regularly detailed for this trip by his commanding officer, who acted under the orders of General Blunt, then commanding the Department of Kansas, with headquarters at Fort Leavenworth.

The commanders of the Departments of Kansas and Missouri at that time did not co-operate in perfect harmony, and that feeling perhaps extended to some of their subordinate officers.

On the 17th of December, 1864, Captain Ferguson arrested Higgins as a suspicious character, and had him confined in the county jail, even after he was informed that Higgins was a soldier in a Kansas regiment, regularly detailed on detached service.

Major Houts was greatly incensed at this action, as he thought it was wholly unjustifiable, and besides construed it to be an indirect and malicious personal attack upon himself, his family, and personal friends.

On the next day, Colonels Philips and Crittenden were both absent from the post, but no order had been issued designating their successors in command.

Without knowing the extent of Captain Ferguson's authority and acting on the mistaken impression that as the officer highest in rank then on duty at the post he had the right to assume the entire command, Major Houts ordered out a detail from his regiment, marched at the head of it to the jail, and then and there liberated Higgins from confinement, and returned him to his command at Paola, Kans., under an escort of citizens.

For this Major Houts was court-martialed and dismissed from the Army, on February 7, 1865, after nearly four years of arduous and gallant service in the field.

From that time until the present Major Houts has been a prominent, prosperous, and law-abiding farmer in Johnson County, Mo., where he still lives.

The War Department makes the following report on this case, viz:

The records show that Thomas W. Houts was mustered in as captain, Company A, Seventh Missouri State Militia Cavalry, March 8, 1862; as major April 4, 1863, and was dismissed the service by sentence of general court-martial, promulgated in General Orders, No. 34, from headquarters, Department of the Missouri, February 7, 1865, of which the following is a copy:

[General Orders No. 34.]

HEADQUARTERS, DEPARTMENT OF THE MISSOURI,
*St. Louis, Mo., February 7*, 1865.

Before the general court-martial, which convened at St. Louis, Mo., pursuant to special orders No. 16, current series from these headquarters, and of which Brig. Gen. S. A. Meredith, United States Volunteers, is president, was arraigned and tried:

Maj. Thomas W. Houts, of the Seventh Regiment of Cavalry, Missouri State Militia, on the following charges and specifications:

Charge first: "Conduct to the prejudice of good order and military discipline."

Specification: "In this, that he, Thomas W. Houts, major Seventh Regiment Missouri State Militia, did take a detachment of his regiment, and going to the guard-house of the post of Warrensburgh, Mo., forcibly and unlawfully release a prisoner there confined named Higgins, an alleged deserter. This at Warrensburgh, Mo., on or about December 18, 1864."

Charge second: "Disobedience of orders."

Specification: "In this, that he, Thomas W. Houts, major Seventh Cavalry Regiment, Missouri State Militia, having been lawfully commanded by his superior officer to remain in camp with his regiment, did disobey that command and leave his camp and regiment. This at or near Warrensburg, Mo., on or about December 17, 1864."

Charge third: "Breach of arrest."

Specification: "In this, that he, Thomas W. Houts, major Seventh Cavalry Regiment, Missouri State Militia, having duly been placed in arrest and confined in his quarters by his commanding officer, did leave his confinement before he was set at liberty by his commanding officer. This at or near Warrensburg, Mo., on or about the 18th day of December, 1864."

To all of which charges and specifications the accused pleaded "not guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, first charge, "guilty."

Of the first charge, "guilty."

Of the specification, second charge, "guilty, except the words 'and leave his camp and regiment.'"

Of the second charge, "guilty."

Of the specification, third charge, "guilty."

Of the third charge, "guilty."

SENTENCE.

And the court does therefore sentence him, Maj. Thomas W. Houts, Seventh Regiment of Cavalry, Missouri State Militia, "to be dismissed the service."

Finding and sentence confirmed. Maj. Thomas W. Houts, Seventh Regiment of Cavalry, Missouri State Militia, ceases to be an officer in the service of the United States from this date.

By command of Major-General Dodge.

J. W. BARNES,
*Assistant Adjutant-General.*

The proposed bill is drawn simply as an act of amnesty and is strictly in the line of existing precedents.

It involves the payment of no money from the Treasury of the United States and simply wipes out the disgrace attached to the name of a most deserving soldier, who has borne the burden of this stigma in silence for nearly twenty-three years.

In the judgment of your committee it is a proper exercise of the power of amnesty vested in Congress, and is amply sustained by previous legislation of a precisely similar character.

Your committee therefore recommends that the bill do pass.

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

G. L. PEASE.

On motion of Mr. DINGLEY, by unanimous consent, the House proceeded to consider the bill (S. 3498) granting a pension to G. L. Pease.

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 (but at a rate not lower than $12 per month), the name of G. L. Pease, a survivor of the Black Hawk war.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3498) granting a pension to G. L. Pease, have examined the same and report:

This is a bill to pension Gideon L. Pease, a soldier of the Black Hawk war. From the report of the Adjutant-General, it appears that he enlisted in company K, First United States Infantry, January 23, 1829, and was discharged by expiration of term of service at Fort Armstrong, Ill., January 23, 1834.

The Adjutant-General's report closes by saying:

"He is reported as present for duty on all rolls of his company from April 23, 1830, to date of his discharge."

He served in Captain Harney's company. Abraham Lincoln and Jefferson Davis were in the same war, and Zachary Taylor was colonel in command.

Mr. Pease was born in 1806, and is therefore eighty-four years of age. He is now, by reason of his length of years and prostration caused by disease, confined to his bed, and this has been his condition since December, 1889, as shown by sworn testimony in the possession of the committee.

From the testimony of his physician, it is evident that he is a great sufferer, and that he requires the constant care of an attendant, and has required such constant care for more than a year.

It is furthermore a fact that he is very poor, and without any resources wherewith to obtain the most ordinary comforts for himself and his aged wife, except the contributions of neighbors, who know him and respect him, not only for his creditable military record, but for his exemplary and consistent life.

In view of his helpless condition, his suffering and poverty, the bill is reported with an amendment striking out the word "twelve" in line 6, and inserting "twenty-five."

As thus amended the bill is reported favorably with a recommendation that it do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be read a third time, and was accordingly read the third time.

ROBERT A. ENGLAND.

Mr. ROWLAND. I call up for the gentleman from Georgia [Mr. STEWART] the bill (H. R. 10263) granting a pension to Robert A. England.

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 Robert A. England, of De Kalb County, Georgia, who was a private soldier in Capt. John P. Lucas's company in the Creek Indian war of 1836, and allow him a pension at $20 per month.

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

The Committee on Pensions, to whom was referred the bill (H. R. 10263) granting a pension to Robert A. England, have considered the same, and report as follows

The claimant was a private in Capt. John P. Lucas's company of Georgia Volunteers, and served one month and twelve days in the Creek Indian war of 1836.

It is shown by testimony filed in support of the bill that the claimant is seventy-three years old, and so much disabled by partial blindness and disease of kidneys and bladder that he can do nothing whereby to gain a livelihood. It is further shown that he has a daughter, totally helpless from imbecility, depending upon him for support, and he is in such a condition of destitution that he will soon have to depend upon charity or become a county charge.

In view of the facts stated your committee return the bill with a favorable recommendation.

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

JOHN J. MURPHY.

Mr. ARNOLD. I ask for the present consideration of the bill (H. R. 9212) to relieve John J. Murphy from the discharge of desertion.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy of the United States is hereby authorized and directed to remove the charge of desertion now standing against John J. Murphy, late a seaman on the United States receiving-ship North Carolina, on the records and rolls of the Navy Department, and to grant and issue to said Murphy an honorable discharge from the said service.

The report (by Mr. DOLLIVER) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 9212) to relieve John J. Murphy from the charge of desertion, have considered the same, and respectfully report:

The history of Murphy's naval service is given by the Navy Department, as follows:

NAVY DEPARTMENT, *Washington, June 21, 1890.*

SIR: Referring to the bill (H. R. 9212) to relieve John J. Murphy from the charge of desertion, and the request of the Committee on Naval Affairs of the House of Representatives for information in the matter, I have the honor to state that it appears from an examination of the record of service of Murphy that he enlisted in the Navy July 14, 1862, as landsman for two years; that he served on board the United States steamers Ohio and Brooklyn until September 22, 1863, on which date he was transferred to the United States steamer North Carolina, and that opposite his name on the rolls of that vessel there was entered on the following day the memorandum "never appeared."

In view of the fact that Murphy failed to report on board the North Carolina after his transfer thereto, as stated, and it not appearing that he subsequently reported on board any naval vessel or at any naval station of the United States, he is regarded by the Department as having deserted the service on the date on which his name last appears on the rolls of the Brooklyn, namely, September 22, 1863.

Very respectfully,

F. M. RAMSAY,
*Acting Secretary of the Navy.*

Hon. C. A. BOUTELLE,
*Chairman Committee on Naval Affairs, House of Representatives.*

The bill (H. R. 9212) authorizes and directs the Secretary of the Navy to remove the charges of desertion now standing against John J. Murphy, late a seaman on the United States receiving ship North Carolina, on the records and rolls of the Navy Department, and to grant and issue to said Murphy an honorable discharge from the said service.

The 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.

T. J. NICHLESON.

Mr. HEARD. I desire to call up for present consideration the bill (H. R. 5472) to remove the charge of desertion from T. J. Nichleson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of T. J. Nichleson, late private of Company F, Eighth Regiment Missouri State Militia Cavalry Volunteers, and to restore him to all the rights and privileges he would have been entitled to if said charge had never been entered against his name.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5472) to remove the charge of desertion from the military record of T. J. Nichleson, having considered the same, respectfully report:

That Thomas J. Nichleson was enrolled as a private in Company F, Eighth Missouri State Cavalry Volunteers, February 22, 1862, to serve during the war in Missouri, and was mustered out with his company March 31, 1865. The soldier's record during his entire service of more than three years was good, except an absence without leave for one month and five days, from October 27, to December 2, 1862, for which he was tried and paid the penalty of conviction. When this soldier enlisted he was but fifteen years old. *It is evident he did not intend to desert, as he voluntarily returned to his company.* He simply went home, as he says, to see his sick father, and returned as soon as it was safe to leave him. A copy of this soldier's military record is herewith presented and made a part hereof.

The committee recommend that the bill do pass.

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*Case of Thomas J. Nichleson, late private Company F, Eighth Missouri State Militia Cavalry.*

RECORD AND PENSION DIVISION, *April 23, 1890.*

Thomas J. Nichleson, private Company F, Eighth Missouri State Militia Cavalry Volunteers, was enrolled on February 22, 1862, to serve during the war in Missouri. He was mustered out with the company on March 31, 1865. His record appears to have been very good, with the following exception:

He was arraigned before a general court-martial on the charge of desertion, specifying that on or about October 27, 1862, he deserted his company and regiment and remained absent until December 2, 1862, at which time he reported for duty. He was found guilty, and was sentenced to forfeit to the use of the General Government one month of his pay proper and be publicly reprimanded by the commanding officer of the battalion. The proceedings, findings, and sentence of the court were duly approved and ordered to be carried into effect, and were promulgated in General Orders, No. 53, dated at headquarters of the district of Southwest Missouri, July 21, 1864.

In connection with his application for removal of the charge of desertion, under date of June 20, 1873, this man stated that at the time when he absented himself from his command without proper authority he was but fifteen years of age; his father, who served in the company with him, was at that time sick at home, and as hundreds of soldiers were then in the habit of going home without leave, he left his company on October 27, 1862, at Osage Springs, Ark., without intending to desert, went home, and voluntarily rejoined his command on December 2, 1862, at Marshfield, Mo.

On February 4, 1886, Hon. John A. Logan, United States Senator, was informed, in reply to his inquiry as to the status of this case, that, this soldier having been tried and convicted of desertion by a general court-martial and the sentence of the court having received the approval of the reviewing authority, such action is held to be a final closing of the case, and there is no provision of law under which the Department can reopen the case for consideration; and there appears to be no relief for this applicant except in additional legislation by Congress.

Since 1886 the status of the case has not been changed by subsequent legislation.

Respectfully submitted.

F. C. AINSWORTH,
*Captain and Assistant Surgeon, U. S. Army.*

The SECRETARY OF WAR.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

RANSOM E. BRAMAN.

Mr. WICKHAM. I ask for the present consideration of the bill (H. R. 9666) granting an increase of pension to Ransom E. Braman.

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 Ransom E. Braman, late a member of Company I, Eighth Regiment Ohio Volunteer Infantry, at the rate of $50 per month, in lieu of the pension he is now receiving.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9666) granting an increase of pension to Ransom E. Braman, submit the following report:

The undisputed testimony of four reputable physicians and surgeons shows that Ransom E. Braman, who was a member of Company I, Eighth Regiment Ohio Volunteer Infantry, was wounded at North Anna River, Virginia, May 24, 1864, by a minié-ball, which entered the upper part of the front of the left thigh, passing just inside of the bone and emerging on the back and outer part of the thigh, injuring and impairing the function of the nerves, vessels, and muscles of the leg so as to cause a chronic gangrenous condition of the great toe, complete loss of sensation of the entire foot and part of the leg, and inability to extend the foot upon the ankle or to flex or extend the leg upon the thigh.

That the leg, in consequence of the inability to use it, has shrunk so that it measures on the thigh and calf 1 inch less than the other, while at the foot it measures 1 inch more than the right, owing to chronic inflammatory exudation. That the injury to the vessels and nerves is so near the hip-joint that it impairs the innervation and circulation of the parts below to that extent that any amputation of the leg or thigh would be inadvisable, an opinion concurred in by some of Ohio's most eminent surgeons. That for the last ten years he has had yearly attacks of acute inflammation of the foot and ankle that have confined him to his bed from two weeks to two months at a time, and that every few weeks he has had similar but lighter attacks. That he is not able to perform any manual labor. That his condition is immeasurably worse than if the leg was amputated and an artificial limb adjusted. That an artificial limb would be vastly more serviceable to him than his wounded leg; that a good artificial limb is worth ten of his, for with it, besides being able to travel and be on his feet several times more than at present, he would be free from the daily recurring pain, swelling, and discharge which now afflicts him and will soon cause his death.

In addition to the foregoing, his wife describes his condition as follows:

"My husband is suffering from a gunshot wound of the left thigh, * * * which affects his whole leg and foot so that at times he can scarcely walk, and every little while he is laid up so that he can not step, and we fear every time he is taken down that he may die. Each year he gets more disabled, and the least attempt he makes to work lays him up for days, and then his suffering is intense. His foot swells up, and the big toe and down to the ball of the foot looks like a sponge full of holes, and filled up with bloody pus, which discharges nearly all the time. Physicians tell us the bones are decaying. Sometimes it gets almost black, and we fear blood-poisoning or gangrene."

The committee feel that the soldier is entitled to a greater pension than he would be if he had lost his limb. They therefore recommend that the bill do pass, amended as follows: In line 7 strike out "fifty" and insert "forty-five."

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.

CHARLES T. SLOAT.

Mr. LANE. I call up for present consideration the bill (H. R. 10602) granting a pension to Charles T. Sloat.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Sloat, late of Company B, One hundred and eighth Regiment of Illinois Volunteer Infantry.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10602) granting a pension to Charles T. Sloat, submit the following report:

The soldier enlisted August 15, 1862, and was honorably discharged August 5, 1865. The basis of the claim is that at Spanish Fort, Ala., March 25, 1865, the veins of the soldier's left leg below the knee were burst, and has gradually grown worse until now he is very badly afflicted with varicose veins and has running sores. The claim was rejected in the Pension Office on the ground that there was no record or other evidence showing origin of injury in the service and claimant's inability to furnish any such evidence.

The soldier testifies to the incurrence of the injury in the service and in line of duty, and that it has gradually grown worse until now he has running sores on his leg and is compelled to use zinc plates to support his said leg; and was treated in regimental hospital, but the surgeon is now dead. William Franks, the lieutenant of his company, testifies that the soldier was sound when he entered the service. John B. Ledterman and Henry L. Coggins, comrades of the soldier, testify to prior soundness. Jones F. Peyton testifies to same fact. Thompson Sloat, father of the soldier, testifies that when he entered the Army the soldier was sound and healthy, and when he returned from the Army he had varicose veins and that he has been treated for said disease ever since. Several other witnesses testify that when the soldier returned from the Army he was afflicted with varicose veins and is so afflicted ever since. The board of examining surgeons find that said soldier is entitled to twelve-eighteenths rating for varicose veins.

The committee think that they are warranted in the conclusion that the soldier sustained injuries while in the service and became diseased in line of duty and has continued diseased ever since.

We report the bill back with a recommendation that said bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

CLARRISSA BARKER.

Mr. KNAPP. I call up for consideration the bill (H. R. 6195) granting a pension to Clarrissa Barker.

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 of the pension laws, the name of Clarrissa Barker, widow (aged 96) of William P. Barker, late a private in Company E, Sixth Regiment New York Heavy Artillery Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6195) granting a pension to Clarrissa Barker, submitted the following report:

The evidence shows that Clarrissa Barker is a widow of William P. Barker; that William P. Barker enlisted as a private in Company B, Sixth New York Heavy Artillery, February 8, 1864, and was discharged August 24, 1865; that he applied for an invalid pension January 13, 1869, for the reason "that while in service and in line of duty as a soldier on or about May 12, 1864, in action at Spottsylvania Court-House, Va., he received a gunshot wound in the left leg above the knee, causing lameness; that on the 13th day of September, 1864, while going through Shenandoah Valley, he was struck in the big toe of the right foot by some missile unknown, severing the first joint of said toe; that since his discharge he has been unable to perform steady labor."

At the time of making this application he was about sixty years of age.

After making application in 1869 soldier disappeared and has not been heard of since. The widow alleges that he left home soon after the war, and that she has never heard from him since 1869, at which time he was in Philadelphia in a dying condition, the result, as she believes, of his army experience, and that she is unable to procure further testimony.

The claim of the widow for pension was rejected for want of proof of the date and cause of soldier's death.

Clarrissa Barker is now about ninety years of age and dependent on the charity of her relatives for support.

The committee recommend the passage of the bill, amending line 6 by striking out the words "aged ninety-six."

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.

SAMUEL S. HUMPHREYS.

Mr. TURNER, of Georgia. I call up for consideration the bill (H.R. 10810) granting a pension to Samuel S. Humphreys.

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 Samuel S. Humphreys, of Mitchell County, Georgia, late a private in Captain Abner Williams's company, Georgia Volunteers, in the Indian war of 1835 and 1836, at the rate of $8 per month.

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

The Committee on Pensions, to whom was referred the bill (H. R. 10810) granting a pension to Samuel S. Humphreys, beg leave to submit the following report:

The claimant was a private in Capt. Abner Williams's company, Georgia Volunteers, and served three months and sixteen days in the Florida Indian war of 1838-'39.

He asks a pension by special act at the rate of $8 per month, declaring under oath that he is seventy-two years old and without any means of support whatever except manual labor, and he is now physically unable to do any work by which to gain a livelihood for himself and wife.

Mr. W. N. Spence, attorney of Camilla, Ga., states that the claimant has a hard time to make a living and is very poor.

In view of the claimant's service and his great age and dependence, 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.

ORDER OF BUSINESS.

Mr. KILGORE. Mr. Speaker, there are a couple of bills here that gentlemen—one on each side—want to call up. I want to call up one and the gentleman from North Dakota, on the other side, Mr. HANSBROUGH, wants to call up one, and I would like to have unanimous consent to do so.

There was no objection.

JOHN E. WALTON.

Mr. HANSBROUGH. I ask that the bill (S. 2076) granting an increase of pension to John E. Walton, which has previously been reported from the Committee of the Whole House, be read the third time and passed.

The bill was read the third time, and passed.

W. H. OBRIEN.

Mr. KILGORE. I ask that the bill (H. R. 5145) granting a pension to W. H. Obrien, which has been reported from the Committee of the Whole and read the third time, be passed.

The bill was passed.

CATHERINE S. LAWRENCE.

Mr. FLOWER. Mr. Speaker, I ask unanimous consent to call up for Mr. TRACEY, who is not able to be present, the bill (H. R. 8234) granting a pension to Catherine S. Lawrence.

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 Catherine S. Lawrence, and pay her a pension as an army nurse of $25 per month during life, to date from March 4, 1887.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8234) granting a pension to Catherine S. Lawrence, submit the following report:

The evidence shows that the beneficiary had by training, before she received her appointment as nurse, qualified herself for that position; that she entered the service as a nurse in 1861 and continued in the same for four years.

She was first assigned to duty at Fortress Monroe, where she remained for some time. Then she was appointed by General H. Finley directress of the Kalorama Eruptive Hospital, where she remained nearly a year caring for patients sick with the small-pox and other loathsome diseases. She remained here until separation from the outside world and the nature of her service affected her health, when she was removed by order of Dr. Bulkley to the Patent Office Hospital. She remained here several months, when the medical director appointed her to Seventh Street Military Hospital. This was a very filthy place, the sick lying on their army blankets upon the floors. She had the men carried out under the trees, the rooms thoroughly cleaned, and cots and bedding procured, and the men made comfortable.

She then went to Armory Square Hospital. Here she worked, putting everything in readiness for patients. This was previous to the second battle of Bull Run. Here she remained several months, acting as surgical nurse. She then went to Convalescent Camp, near Alexandria, caring for the sick and assisting in preparing food for sixty convalescent soldiers. She also served in the hospital at Fairfax.

During these years of service she received no compensation. She raised by her own efforts large amounts of supplies, visiting New England in person to procure supplies for the soldiers, which she distributed in person. She is now over seventy years of age, in very feeble health, is entirely without means of support, and supported by her friends. She is a maiden lady, old, feeble, dependent. She gave four of the best years of her life for the benefit of the sick and wounded soldiers, caring for them when sick with that loathsome disease the small-pox, and now broken down in health she asks the Government, for which she has labored so faithfully, to grant her a sum that shall place her above want.

She is warmly recommended by the Army Nurse Association, by ladies of the Sanitary Commission, and by many of the most prominent citizens of the city of Albany, N. Y., her home.

Your committee think her case is an exceptional one, richly deserving the sum named in the bill. To be amended by striking out the word "twenty-five," in line 7, and inserting in lieu thereof the word "sixteen."

The amendment recommended by the committee was agreed to.

Mr. MORRILL. I object to that bill as it is because it carries arrears; and I move to strike out the word "sixteen" and insert "twelve," and also strike out all after the word "month" to the end of the bill.

The amendments 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.

Mr. MORRILL moved that the several votes by which the various bills had been passed be reconsidered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The hour of 10.30 having arrived the House stands adjourned until 11 o'clock to-morrow under the order of the House.

## EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

LIST OF JUDGMENTS RENDERED BY THE COURT OF CLAIMS.

Communication from the Secretary of the Treasury, transmitting a list of the judgments rendered by the Court of Claims, amounting to $134,854.60, which have been presented to the Treasury Department and require an appropriation for their payment—to the Committee on Appropriations.

## RESOLUTION.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. FUNSTON:

*Resolved*, That July 5 be set apart for the consideration of Senate bill 390, known as the Wilson bill, and that it continue from day to day until finally disposed of; to the Committee on Rules.

## REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the Senate (S. 3050) to provide for the purchase of a site for a military post near Eagle Pass, Tex., and for the construction of suitable buildings thereon, accompanied by a report (No. 2563)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported with amendment the bill of the Senate (S. 3172) granting the use of certain lands to the town of New Haven, Conn., for a public park, accompanied by a report (No. 2564)—to the House Calendar.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 3448) granting a pension to Clara H. McIntire. (Report No. 2565.)

A bill (S. 2184) granting a pension to Sarah L. Knight. (Report No. 2566.)

A bill (S. 2616) granting an increase of pension to Harrison De F. Loung. (Report No. 2567.)

Mr. MORRILL also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 9840) granting an increase of pension to Prentiss M. Fogler, accompanied by a report (No. 2568)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 3796) granting a pension to Abraham Zimmerman, accompanied by a report (No. 2569)—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 1254) increasing the pension of Enos J. Searles, accompanied by a report (No. 2570)—to the Committee of the Whole House.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan. (Report No. 2571.)

A bill (H. R. 10127) granting a pension to Celia Eichele. (Report No. 2572.)

Mr. TURNER, of New York, also, from the Committee on Invalid Pensions, reported with amendment a bill of the House (H. R. 7937) granting an increase of pension to Mrs. Harriet E. Martin, accompanied by a report (No. 2573)—to the Committee of the Whole House.

Mr. REED, of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9887) to amend an act entitled "An act providing for the removal of causes from State courts, and for other purposes," reported, as a substitute therefor, a bill (H. R. 11179) to amend an act entitled "An act providing for the removal of causes from State courts, and for other purposes;" which was read twice, and, with the accompanying report (No. 2574), referred to the House Calendar.

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11080) granting a pension to Ann M. Mosher. (Report No. 2575.)

A bill (S. 1712) granting a pension to Cynthia A. Gudgell. (Report No. 2576.)

A bill (S. 2892) increasing the pension of Smith J. Shafer. (Report No. 2577.)

A bill (S. 3874) granting a pension to Harriet E. Donaldson. (Report No. 2578.)

Mr. FLICK also, from the Committee on Invalid Pensions, reported with amendment the bill of the Senate (S. 3608) granting a pension to Mary C. Winslow, accompanied by a report (No. 2579)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 8661) granting a pension to Mary D. Cook, accompanied by a report (No. 2580)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 10566) for the relief of Mrs. M. J. Donahoe, accompanied by a report (No. 2581)—to the Committee of the Whole House.

Mr. BROWER, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 9231) for the relief of the estate of William Ward, accompanied by a report (No. 2582)—to the Committee of the Whole House.

He also, from the same committee, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4453) for the relief of the legal representatives of John Baptiste Ashe. (Report No. 2583.)

A bill (H. R. 1385) for the relief of the pilot and crew of the steamer Planter. (Report No. 2584.)

A bill (H. R. 6072) for the relief of the legal representatives of William Johnnot, Joseph Torrey, and Thomas Blackwell. (Report No. 2585.)

A bill (H. R. 2282) for the relief of the owners of the brig Abby Ellen. (Report No. 2586.)

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 5835) to increase the pension of Mrs. Maria B. Judah, accompanied by a report (No. 2587)—to the Committee of the Whole House.

Mr. STOCKBRIDGE, from the Committee on Mines and Mining, reported with amendment the bill of the House (H. R. 3839) for the protection of the lives of miners in the Territories, accompanied by a report (No. 2588)—to the Committee of the Whole House on the state of the Union.

Mr. LEWIS, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 7422) granting a pension to Mrs. Kate Lane Townes, widow of Col. Robert R. Townes, accompanied by a report (No. 2589)—to the Committee of the Whole House.

## BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. SMITH, of Arizona: A bill (H. R. 11178) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad—to the Committee on the Territories.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 11180) to authorize the Secretary of the Treasury to designate Punta Gorda, Fla., as a port of entry—to the Committee on Commerce.

By Mr. MUDD: A bill (H. R. 11181) to incorporate the Columbia Central Railway Company—to the Committee on the District of Columbia.

By Mr. PAYNE: A joint resolution (H. Res. 184) to print eulogies on the life and character of Hon. Newton W. Nutting—to the Committee on Printing.

### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 11072) to remove the charge of desertion borne against the name of George H. Holmes, private Company B, Ninety-fifth Pennsylvania Volunteer Infantry—Committee on Invalid Pensions discharged, and referred to Committee on Military Affairs.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURROWS: A bill (H. R. 11182) for the relief of John C. Heath—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 11183) for the relief of Gustavus A. Balzer—to the Committee on War Claims.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 11184) for the relief of Charles Dennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11185) granting an increase of pension to William Field—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 11186) for the relief of Obadiah Vincent—to the Committee on Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 11187) to correct the military record of Joseph Greene—to the Committee on Military Affairs.

By Mr. COWLES: A bill (H. R. 11188) for the relief of James H. Denny—to the Committee on Invalid Pensions.

By Mr. FORMAN: A bill (H. R. 11189) granting a pension to Elizabeth A. McFarland—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 11190) restoring to the pension-roll the name of Mrs. Ann Hanson, dependent mother of John W. Hanson—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 11191) directing the issuance of an honorable discharge to Charles H. Burhaus, late of the Ninety-sixth New York Volunteers—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 11192) for the relief of William Stoope—to the Committee on Millitary Affairs.

By Mr. OSBORNE: A bill (H. R. 11193) granting a pension to James Wilcox—to the Committee on Invalid Pensions.

By Mr. PERRY: A bill (H. R. 11194) to remove the charge of desertion against William E. Anderson—to the Committee on Military Affairs.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 11195) for the relief of Jesse P. Hartman—to the Committee on War Claims.

Also, a bill (H. R. 11196) for the relief of William M. Henry—to the Committee on War Claims.

## 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. BARNES, of Georgia: Petition of Berlin Alliance, of Richmond County, Georgia (36 members), asking Congress for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE: Petition of S. D. Thurston and others, citizens of Bangor, Me., in favor of preserving the national-banking law—to the Committee on Banking and Currency.

By Mr. BROSIUS: Petition of Grange No. 66, Lancaster County, Pennsylvania, on the tariff bill—to the Committee on Ways and Means.

By Mr. BROWNE, of Virginia: Petition of C. C. Warner, of Essex County, Virginia, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Washington G. Williams, J. E. Johnson, A. B. Horgran, and 37 others, citizens of Nansemond County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Farmers' Alliance of King and Queen County, Virginia, authorized by 45 members, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Alliance No. 242, of Surry County, Virginia, authorized by 41 members, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CARUTH: Paper to accompany House bill 10028, for relief of James H. Quinlan—to the Committee on War Claims.

By Mr. CATCHINGS: Petition of J. T. Montgomery, Richard Lee, and 38 others, citizens of Bolivar County, Mississippi, asking Congress for appropriation of money for complete system of levees in Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. COGSWELL: Petition of William H. Badluw and others, late officers and crew of the United States steamer Kearsarge which

sunk the Alabama, that they may be paid prize-money the same as if said Alabama had been captured as a prize—to the Committee on War Claims.

By Mr. CONGER: Memorial of Penn Township Alliance, Dallas County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, memorial from the same Alliance, in favor of the Conger lard bill—to the Committee on Agriculture.

Also, petition of 34 officers and members of an Iowa Sunday-school, for the Wilson original-package bill—to the Committee on the Judiciary.

Also, memorial of a farmers' and citizens' meeting near Winterset, Iowa, June 16, 1890, in favor of same measure—to the Committee on the Judiciary.

By Mr. EDMUNDS: Petition of W. H. Poindexter and 39 others, citizens of Martin County, Indiana, asking appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Mill Dam Alliance, No. 460, of Montgomery County, Virginia, in favor of same measure—to the Committee on Rivers and Harbors.

By Mr. FORMAN: Petition of Elizabeth A. McFarland, of Richview, Ill., for pension, as adopted mother of William H. Hines—to the Committee on Invalid Pensions.

By Mr. HERBERT: Petition of J. B. Ransin, E. M. Lovelace, and 8 others, citizens of Escambia County, Alabama, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. LESTER, of Georgia: Petition of H. C. Smith, W. J. Strickland, and 9 others, citizens of Clinch County, Georgia, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. McCLAMMY: Petition of citizens of Bladen County, North Carolina, asking appropriation for harbor improvement at Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

By Mr. McRAE: Petition of H. C. Morehead, J. D. Chandler, and 38 others, citizens of Howard and Pike Counties, Arkansas, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. MAISH: Petition of Mary B. Clayton, widow of Maj. Henry Clayton, late a paymaster in the United States Army, praying for an increase of pension—to the Committee on Pensions.

By Mr. PETERS: Petition of citizens of Harvey and Sedgwick Counties, Kansas, for passage of the Wilson Senate bill—to the Committee on the Judiciary.

By Mr. STIVERS: Petition of O. A. Merchant and 22 others, of Chester, N. Y., in favor of passage of House bill 5978, prohibiting the transportation of intoxicating liquors from any State or Territory in the United States into any other State or Territory contrary to and in violation of law—to the Committee on the Judiciary.

By Mr. TAYLOR, of Illinois: Petition of citizens of Englewood, Ill., asking for the passage of a bill to limit the hours of work of clerks and employés in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE, of New York: Petition of John T. Bruen, late captain Tenth New York Independent Battery—to the Committee on War Claims.

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## SENATE.

### SATURDAY, *June* 28, 1890.

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

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

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 12th instant, a letter from the Chief of Engineers concerning the improvement of the harbor of Buffalo, N. Y.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of members of Rankin Post, No. 10, Grand Army of the Republic, of Brooklyn, N. Y., praying for the passage of House bill No. 6944, for the transfer of the revenue-cutter service to the Navy; which was ordered to lie on the table.

Mr. MOODY presented a petition of sundry citizens of Beadle County, North Dakota, praying for the passage of a bill making provision for a complete system of levees on the Mississippi River; which was ordered to lie on the table.

He also presented a petition of sundry citizens of McCook County, South Dakota, praying for the passage of an act making it unlawful to import intoxicating liquors into any State or Territory contrary to the laws thereof; which was ordered to lie on the table.

Mr. CASEY presented the petition of R. Dunlap & Co., and other hat manufacturers, doing business in the States of New York, New Jersey, Connecticut, and Massachusetts, praying for an amendment of Schedule N, relative to furs, in the McKinley tariff bill; which was referred to the Committee on Finance.

Mr. MORRILL. I present sundry memorials of citizens of Vermont, Michigan, West Virginia, and other States, in the usual stereotyped printed style, remonstrating against any increase of the duty on tin. I move that the memorials lie on the table.

The motion was agreed to.

Mr. WASHBURN presented a petition of the Millers' National Association, praying for the passage by the Senate of the item in the McKinley tariff bill, revising the duty on burlaps; which was ordered to lie on the table.

Mr. TELLER. I present a petition signed by a large number of farmers in the State of Missouri, praying for the free coinage of silver. I move that the petition lie on the table.

The motion was agreed to.

Mr. PLATT. I present a petition of 64 citizens of the town of New Milford, Conn., in favor of the passage of the tariff bill now before the Senate. I suppose that, although such petitions are usually laid on the table when the bill has been reported, there is no objection to its reference to the Committee on Finance, and it will be placed on the files of that committee.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

Mr. PADDOCK presented a petition of citizens of Box Butte County, Nebr., praying that an appropriation be made for experiments in irrigating that county by artesian wells or such other methods as may be most expedient; which was referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

Mr. EVARTS presented resolutions of the Clothiers' Association of New York in favor of the passage of the national bankrupt bill; which was referred to the Committee on the Judiciary.

Mr. BLAIR. I present a memorial and petition of the National League for the Protection of American Institutions against items in the Indian appropriation bill for the support of sectarian schools. I move its reference to the Committee on Appropriations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CONGER, Mr. WALKER of Massachusetts, and Mr. BLAND managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, further insisted on its disagreement to certain other amendments of the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.;

A bill H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe; and

A bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

TREASURY NOTES AND SILVER BULLION.

Mr. MORRILL. I ask that the communication from the other House in relation to the silver bill be laid before the Senate for the purpose of agreeing to the conference asked for.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. MORRILL. I move that the Senate accede to the request of the House of Representatives for a conference on the disagreeing votes of the two Houses.