

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 29, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## ENROLLED BILLS SIGNED.

Mr. WILLIAMS, of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 188) to provide for the purchase of a site and the erection of a public building thereon at Columbus, in the State of Georgia, and for other purposes; and

A bill (H. R. 154) to provide for the purchase of a site and the erection of a public building thereon at Pueblo, in the State of Colorado.

## REAR ADMIRAL PHILIP C. JOHNSON.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 6559) was read, as follows:

Whereas Philip C. Johnson, after a long, faithful, and creditable service in the United States Navy, became entitled to promotion to the grade of rear admiral on the 25th day of January, 1887, but died without being commissioned: Therefore,

*Be it enacted, etc.,* That the President be, and he is hereby, authorized and directed to issue the commission of Philip C. Johnson as a rear admiral in the United States Navy, to be dated January 25, 1887, and to deliver the same to the widow of said Philip C. Johnson.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. OUTHWAITE. I would like to have a statement of the object of passing this bill.

Mr. SHERMAN. The bill does not involve the appropriation of a cent. The widow of the admiral is now pensioned by special act at an amount greater than the law would allow her as the widow of an admiral. This is simply a question of sentiment. The widow and the children of the husband and father desire that the commission should be issued to which he was entitled, but which he died before receiving.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHERMAN moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. SPOONER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill the title of which the Clerk will read:

The Clerk read as follows:

A bill (H. R. 12972) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892.

The CHAIRMAN. The question is upon the adoption of the pending amendment proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE], which the Clerk will read.

The Clerk read as follows:

On page 14, line 3, amend by inserting after the word "thousand" the words "six hundred;" so that it will read "two thousand six hundred."

Mr. SPOONER. Mr. Chairman, I ought to say perhaps, in order to refresh the memory of the committee concerning this particular amendment, that the amount fixed in the bill is the full amount of the estimate. Everything has been granted in this item that has been asked for in the estimates, and therefore I hope the amendment will not be adopted, as it is entirely unnecessary.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this matter was in some doubt. This item is embraced in an aggregation, as stated in the estimates on page 3, of \$14,520. That total embraces this item and perhaps a dozen others, and therefore it was impossible to tell just upon what items the reduction of the sum total recommended by the committee was to be made.

Mr. SPOONER. If the gentleman will refer to the Book of Estimates, page 106, commencing at the top of the page, he will find there, in order, the various items for which these appropriations are made, and he can also find the sum total by adding those amounts together. The only difference, as I said yesterday, between the estimates and the amount proposed by the appropriation in these items is in the matter of the pay of the firemen. The pay of each of those firemen now under the existing appropriation law is \$45 a month. The estimate increased that pay by \$15 each per month, making it \$60 instead of \$45.

The committee did not recommend that increased appropriation, but they did provide, by a paragraph closely following the one now under consideration, for an increase of \$5, making the pay of each of these men \$50 per month instead of \$45. That is the only difference between the estimate and the amount recommended by the committee in these miscellaneous items.

Mr. BRECKINRIDGE, of Arkansas. That amounts to about \$600? Mr. SPOONER. Six hundred dollars.

Mr. BRECKINRIDGE, of Arkansas. The gentleman did make a statement in relation to this matter, but there was a good deal of confusion in the Hall, and perhaps it was not clearly understood. The amendment that I offered was somewhat conjectural, as I said at the time. Finding now that no reduction has been made by the committee, I will withdraw the amendment, as I, of course, have no desire to appropriate anything in excess of what is asked by the officials in charge of the Academy.

But there is in the report a statement of reduction in regard to plumbing.

Mr. SPOONER. That is the larger item which follows later in the bill—"for necessary repairs of, and for improving the plumbing and sewerage systems."

Mr. BRECKINRIDGE, of Arkansas. Exactly; but if the gentleman will look at the paragraph under consideration he will find that this appropriation is "for water pipes, plumbing, and repairs." Therefore I was ready to believe that perhaps a part of the reduction stated in the report as having taken place upon the item of plumbing applied to this bill.

Mr. SPOONER. No, not at all.

Mr. BRECKINRIDGE, of Arkansas. I understand the position now, and I withdraw the amendment.

The Clerk read as follows:

For compensation of librarian, \$120.

Mr. FITCH. I move to amend by striking out the last word. I would like a word of explanation from the gentleman in charge of this bill in regard to the clause just read. A little farther down in the bill there is a clause providing "for pay of librarian's assistant, \$1,000." The difference between the pay of the librarian's assistant, \$1,000, and that of the librarian himself, \$120, seems to me to require a word of explanation.

Mr. SPOONER. The librarian is an officer who receives pay for other services; the \$120 is the ordinary additional compensation given him for this particular service; whereas the assistant librarian is an officer constantly employed in this special duty.

Mr. FITCH. During my service as a member of the Board of Visitors at West Point I was very highly impressed with the efficiency of all the arrangements except the management of the library. It seemed to me that that was something which ought to be more fully attended to than it is. I would like to ask what officer has charge of the library, what is his rank, and whether we ought not to make more efficient provision for the library at West Point than is made in this bill.

Mr. SPOONER. I can not answer the gentleman's question as to the person who fills this position—

Mr. FITCH. What is his rank and what are his other duties?

Mr. SPOONER. I can not speak as to that. This is the ordinary provision which has been in the Military Academy bill for many successive years.

Mr. WHEELER, of Alabama. My recollection is that originally the duties of assistant librarian were performed by a soldier who was detailed for that purpose, and of course received his extra pay which is given by law to extra-duty men, but some twenty years ago an act of Congress fixed the salary at \$1,000.

The duties of librarian are performed by one of the professors or officers on duty at the Academy, and the law fixes his extra compensation at \$120 a year. I think Professor Michie is the present librarian.

Mr. BLOUNT. Has not this arrangement of the compensation of librarian existed for many years?

Mr. WHEELER, of Alabama. Yes, the compensation has been the same as proposed by the bill for many years.

The act of April 23, 1856, provided that the librarian and assistant librarian receive additional pay, not to exceed the sum of \$120 for each per annum, and this act is now section 1340 of the Revised Statutes, in these words:

The librarian and assistant librarian at the Military Academy shall each receive \$120 a year additional pay.

An old enlisted man named Andrew Freis has held the position of assistant librarian for a very long time, possibly for half a century.

The act of February 18, 1871, Statutes at Large, volume 16, page 414, provided that the salary of librarian's assistant be \$1,000—

while the office is held by the present incumbent.

The old man is still living and I have no doubt satisfactorily performing his duties.

The CHAIRMAN. Does the gentleman from New York [Mr. FITCH] withdraw his formal amendment?

Mr. FITCH. Yes, sir.

The Clerk read as follows:

For pay of engineer of heating and ventilating apparatus for the academic building, the cadet barracks, and office building, cadet hospital, chapel, and philosophical building, including the library, \$1,600.

Mr. MOORE, of Texas. I move to amend by striking out the last word. While I am unwilling to interrupt the proceedings of the committee by any matter not germane—

Mr. SPOONER. Will the gentleman from Texas give way for a moment? I desire to move that the committee rise in order to give the gentleman from Maine [Mr. DINGLEY], chairman of the committee appointed to investigate alleged silver pools, an opportunity to make a motion which it is important should be made at once.

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. MOORE, of Texas. I do.

Mr. DINGLEY. It is important that immediate action should be taken on the proposition I desire to submit.

Mr. SPOONER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ALLEN, of Michigan, having taken the chair as Speaker *pro tempore*, Mr. PAYSON reported that the Committee of the Whole on the state of the Union, having had under consideration the Military Academy appropriation bill, had come to no resolution thereon.

#### SILVER-POOL INVESTIGATION.

Mr. DINGLEY. I desire to present a privileged report by instructions of the special committee appointed to investigate alleged silver pools.

The Clerk read as follows:

The special committee appointed by the House of Representatives to investigate alleged silver pools, etc., report that on the 22d day of January, 1891, by request of said committee, the Speaker issued his warrant, directing the Sergeant-at-Arms or his special deputy to subpoena J. A. Owenby to appear before said committee in the room of the Committee on Rivers and Harbors on the 29th day of January, 1891, at 10 o'clock a. m., to testify touching matters of inquiry committed to said committee; and that on the 21th day of January, 1891, service was duly made on said J. A. Owenby, but that said J. A. Owenby has refused or neglected to obey said subpoena and testify before said committee. And inasmuch as the committee are of opinion that it is necessary for the efficient prosecution of the investigation ordered by the House that said J. A. Owenby should be required to respond to the subpoena and testify before said committee in relation to the connection of members of the House of Representatives with the alleged silver pool, as stated in detail in the Washington correspondence of the St. Louis Globe-Democrat under date of September, 1890 (which correspondence is printed in CONGRESSIONAL RECORD of January 13, 1891), it appearing by the testimony of W. B. Stevens, the correspondent of the said paper, before your committee on the 17th day of January, 1891, that the said J. A. Owenby was the authority for the statements therein contained, and claimed to have personal knowledge of the alleged facts therein stated, and also referred to in the letter of said Owenby to the said Stevens, dated Chicago, January, 1891, as hereto attached (copies of subpoena, return of deputy sergeant-at-arms, and certificate of his appointment are hereto attached), we therefore recommend the adoption of the following order:

"Ordered, That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith wherever to be found the body of J. A. Owenby and him bring to the bar of the House to show cause why he should not be punished for contempt; and in the mean time keep the said J. A. Owenby in his custody to await the further order of the House."

N. DINGLEY, Jr.,

S. E. PAYNE,

J. H. ROWELL,

S. W. PEEL,

Committee of Investigation.

Mr. DINGLEY. On the adoption of that order I move the previous question.

Mr. FRANK. One moment, if you please.

Mr. DINGLEY. Unless the gentleman desires to be heard briefly, for which purpose I will yield him a few moments.

Mr. FRANK. I would like the Clerk to read the return of the officer who served that subpoena.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read as follows:

STATE OF ILLINOIS, County of Cook:

I, Robert H. Forsyth, special deputy sergeant-at-arms of the House of Representatives of the United States, do hereby certify and return that the within and annexed subpoena came into my hands on the 22d day of January, A. D. 1891, in the city of Washington, D. C.

That on the same day I proceeded to the city of Chicago, State of Illinois, and then and there at restaurant, Hotel Richelieu, in the city of Chicago and State of Illinois, I served said subpoena upon the said J. A. Owenby, by personally reading to him the original subpoena, and then and there delivering him, the said Owenby, a true copy thereof.

Witness my hand, this 20th day of January, 1891.

R. H. FORSYTH,

Special Deputy Sergeant-at-Arms,  
House of Representatives of the United States.

Mr. FRANK. Now, I would like to ask the gentleman offering the resolution if he does not think it proper, before the execution of the order he proposes, that it should be shown that this witness has been tendered his mileage and fees.

Mr. DINGLEY. I desire to state, Mr. Speaker, in response to the inquiry of the gentleman from Missouri, that after some investigation by the committee it has been thought unnecessary that the tender to which he refers should be made.

Mr. McMILLIN. It is impossible in the confusion to hear what is going on here.

Mr. DINGLEY. I have just stated that the gentleman from Missouri inquired whether the committee did not think it necessary that the return should also show that the witness fees and mileage were tendered to the witness at the time the service was made to complete the service within the purview of the law. I have simply to say that the committee considered the matter somewhat and in their judgment when witness is summoned under authority of the House of Representatives the tender of the fee is not necessary; and therefore there has been no tender of it in the present case and of course none appears in the return of the officer.

Mr. RICHARDSON. I would like to ask the gentleman from Maine what answer the witness made, if any, to the subpoena?

Mr. DINGLEY. Of course the only information the committee have in the matter is obtained from the return which appears on the part of the Sergeant-at-Arms.

Mr. PEEL. Mr. Speaker—

Mr. DINGLEY. I yield to the gentleman from Arkansas, my colleague on the committee, for a few minutes.

Mr. PEEL. I was only going to add, by way of suggestion to what has already been stated, that from the very best information the committee could obtain the whereabouts of this witness is very uncertain. All the information we could obtain is that the witness was first at one place and then at another, and it would be very difficult to tell where he is to be found, and as the mileage would be calculated from the place where the subpoena was served, nobody knows how much should be tendered to him in that connection.

I do not think in a matter of this kind, where the witness is the author of the story which is published in the Globe-Democrat, and desires, as alleged, to see the wrong corrected, that he would hesitate a moment on a matter of that kind. It occurred to me, in consequence of his uncertain locality, that it would be difficult to figure up his mileage and tender the exact amount strictly in accordance with the provisions of the law in some of the States.

Mr. FRANK. It is not my purpose, Mr. Speaker, to throw any obstacle in the way of procuring the attendance of this witness, but, on the contrary, I wish to expedite it, and for that reason I should desire to see this order made effective if issued. If the witness has demanded his mileage, I think, without expressing a deliberate judgment, that he would be entitled to it before responding to the subpoena. There is nothing on the face of the warrant of the Sergeant-at-Arms to indicate what his reply was to the officer who served the subpoena. Hence it seems to me it would be well to go slow in passing so violent and drastic a resolution as this appears to be, without being able to carry it into execution after having adopted it.

Mr. CULBERSON, of Texas. Will the gentleman from Maine yield to me for a few moments?

Mr. DINGLEY. I yield to the gentleman from Texas for a few moments.

Mr. CULBERSON, of Texas. I simply desire the Clerk to read the headnotes of this decision of the Supreme Court.

The Clerk read as follows:

#### KILBOURN VS. THOMPSON.

1. Kilbourn, for refusing to answer certain questions put to him as a witness by the House of Representatives of the Congress of the United States, concerning the business of a real-estate partnership of which he was a member, and to produce certain books and papers in relation thereto, was, by an order of the House, imprisoned for forty-five days in the common jail of the District of Columbia. He brought suit to recover damages therefor against the Sergeant-at-Arms who executed the order, and the members of the committee who caused him to be brought before the House, where he was adjudged to be in contempt of its authority. Held, that although the House can punish its own members for disorderly conduct or for failure to attend its sessions, and can decide cases of contested elections and determine the qualifications of its members, and exercise the sole power of impeachment of officers of the Government, and may, where the examination of witnesses is necessary to the performance of these duties, fine or imprison a contumacious witness, there is not found in the Constitution of the United States any general power vested in either House to punish for contempt.

2. An examination of the history of the English Parliament and the decisions of the English courts shows that the power of the House of Commons, under the laws and customs of Parliament to punish for contempt, rests upon principles peculiar to it, and not upon any general rule applicable to all legislative bodies.

3. The Parliament of England, before its separation into two bodies, since known as the House of Lords and the House of Commons, was a high court of judicature—the highest in the realm—possessed of the general power incident to such a court of punishing for contempt. On its separation, the power remained with each body, because each was considered to be a court of judicature and exercised the functions of such a court.

4. Neither House of Congress was constituted a part of any court of general jurisdiction, nor has it any history to which the exercise of such power can be traced. Its powers must be sought alone in some express grant in the Constitution or be found necessary to carry into effect such powers as are there granted.

5. The court, without affirming that such a power can arise in any case other than those already specified, decides that it can exist in no case where the House, attempting to exercise it, invokes its aid in a matter to which its authority does not extend, such as an inquiry into the private affairs of the citizen.

6. The Constitution divides the powers of the Government which it establishes into the three departments—the executive, the legislative, and the judicial—and unlimited power is conferred on no department or officer of the Government. It is essential to the successful working of the system that the lines which separate those departments shall be clearly defined and closely followed, and that neither of them shall be permitted to encroach upon the powers exclusively confided to the others.

7. That instrument has marked out in its three primary articles the allotment of power to those departments, and no judicial power, except that above mentioned, is conferred on Congress or on either branch of it. On the contrary, it

declares that the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish.

8. The resolution of the House, under which K. was summoned and examined as a witness, directed its committee to examine into the history and character of what was called "the real-estate pool" of the District of Columbia; and the preamble recited, as the grounds of the investigation, that Jay Cooke & Co., who were debtors of the United States and whose affairs were then in litigation before a bankruptcy court, had an interest in the pool or were creditors of it. The subject-matter of the investigation was judicial and not legislative. It was then pending before the proper court and there existed no power in Congress, or in either House thereof, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, to investigate the affairs of that partnership, and, consequently, no authority to compel a witness to testify on the subject.

9. It follows that the order of the House declaring K. guilty of a contempt of its authority and ordering his imprisonment by the Sergeant-at-Arms is void, and affords the latter no protection in an action by K. against him for false imprisonment.

10. Anderson vs. Dunn (6 Wheat., 204) commented on, and some of the reasoning of the opinion overruled and rejected.

11. The provision of the Constitution, that for any speech or debate in either House the member shall not be questioned in any other place, exempts them from liability elsewhere for any vote or report or action in their respective Houses as well as for oral debate. Therefore, the plea of the members of the committee that they took no part in the actual arrest and imprisonment of K., and did nothing in relation thereto beyond the protection of their constitutional privilege, is, so far as they are concerned, a good defense to the action.

During the reading of the syllabus,

Mr. DINGLEY said: Will the Clerk suspend a moment? I desire to ask the gentleman from Texas [Mr. CULBERSON] if sufficient of that syllabus has not been read to show the point that is contained in it? It may be printed in full in the RECORD.

Mr. BLAND. I hope it may be read for the information of the House.  
Mr. DINGLEY. Does the gentleman from Texas [Mr. CULBERSON] desire to say anything after the opinion is concluded?

Mr. CULBERSON, of Texas. I do not.

The SPEAKER *pro tempore*. The gentleman from Maine asks unanimous consent to suspend the further reading of the syllabus with the understanding that it may be printed in full in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DINGLEY. I wish to yield to my colleague on the committee, the gentleman from Illinois [Mr. ROWELL], who has examined this question in behalf of the committee.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Maine or the gentleman from Illinois permit me to submit a question? I desire to submit an inquiry for my own information, and probably for that of the House. I could not catch in the reading of the paper any statement as to what was expected to be proven by this witness, who is to be brought before the committee, nor the relevancy of any such expected testimony to the matter that the committee had under investigation, or to the other testimony that it had taken; and I would be glad if the gentleman, for the satisfaction of the House, would state to us what is the general substance of the testimony they expect to elicit from this witness.

Mr. ROWELL. That is what I was going to do.

A MEMBER. What question has the witness refused to answer?

Mr. BRECKINRIDGE, of Kentucky. I understand he has not refused to answer any question yet, for he has not yet appeared before the committee at all.

Mr. ROWELL. Mr. Speaker, in the report made by the committee reference is made to the kind of testimony expected from this witness. The report makes a part of it the article in the St. Louis Globe-Democrat, which was published in the RECORD of the House. It states that from the testimony taken before the committee the information upon which that article was based was obtained from the witness sought to be attached; that that witness, of his own personal knowledge, has reported that members of the House of Representatives had been engaged in a silver pool, pending legislation upon that question. The Kilbourn decision, referred to by the gentleman from Texas [Mr. CULBERSON], goes to this extent, that, where there is original jurisdiction in the House of Representatives to pass judicially upon a question and act upon it without outside interference, there is also power to attach for contempt, as a court would have power.

For instance, under the Constitution the House of Representatives is made the sole judge of the election and qualifications of its members. And therefore, in attempting to ascertain the election and qualification of any one claiming to be duly elected to the House of Representatives it would be in the power of the House to use all methods necessary to bring before the House or its committee all witnesses who had knowledge upon that question, without referring the matter to any court; and, in such a case, the House, having exclusive jurisdiction, could deal with the witness.

Again, the House is the sole body authorized to present articles of impeachment. Therefore, in investigating matters with reference to presenting articles of impeachment, the House would be the sole body having jurisdiction of that question and could subpoena and deal with witnesses while investigating such questions.

Again, it may be suggested, the House alone, without the interference of any other body, has the power, upon a two-thirds vote, to expel one of its members for conduct justifying such expulsion. Therefore, in an investigation of that character, the House, and the House

alone, may deal with witnesses subpoenaed touching that class of questions.

Now, the House is not without power to punish witnesses who come before it or to secure the punishment of witnesses coming before it where it is investigating other questions affecting legislation or any broader questions that they may investigate. But that power comes under a statute, where, the witness having appeared before the committee, declines to answer a particular question, a question not affecting these judicial powers of the House. Then the Speaker of the House, on having the matter brought before him, certifies the contumacy of the witness, his refusal to answer, to the district attorney of the District of Columbia, whose duty it is to present the matter before the grand jury.

The grand jury is authorized to indict and to have the case tried and the witness may be convicted and punished for his refusal to answer. That law was passed because of the decision in the Kilbourn case. But this witness is subpoenaed for the purpose of testifying as to matters supposed to be within his personal knowledge, or reputed to be within his personal knowledge, affecting the legislative action of members of the House of Representatives, and therefore matters with which the House and the House alone may deal. For that reason I believe that it is legitimate, not only to attach the witness for contempt in refusing to answer his subpoena, but that it may deal with him after he is brought here without referring the matter to the court of the District of Columbia.

Mr. COBB. Will the gentleman allow a question? There is no direct charge before your committee against any individual member of the House, as I understand it, is there?

Mr. ROWELL. Our special committee was raised by a resolution, incorporating an article published in the St. Louis Globe-Democrat. That article, without naming the members charged, charged that fifteen members of the House had been engaged in the matters therein referred to. The mention of the names was suppressed in the article, but the testimony before the committee declares that the names of these parties were given by Owenby to the correspondent, and the correspondent suppressed the names, and that Owenby could testify, if his statement to the correspondent were true, to the names of his own knowledge of members of the House of Representatives.

Mr. COBB. The question I desire to submit is this: Whether the authority of the House is not confined to cases where there is a direct issue made against some one or some individual members of the House, and not where the investigation is simply general to ascertain whether or not there is any testimony affecting any member of the House.

Mr. ROWELL. I will say that I have thought of that question, as I can see nothing in the philosophy of jurisdiction that makes any difference whether a member is charged by name or whether members are charged without their names being given. It in each instance is a charge against the integrity of some member of the House, his name being unknown to the House, which charges, if true, would be a subject of consideration by the House whether those members had committed any crime for which they could be dealt with under the constitutional power of the House.

Mr. COBB. But the gentleman is aware of the fact that it has been adjudicated that a grand jury has no authority whatever to summon witnesses to give general information as to the commission of crime, and that before that authority may be exercised there must be a case made by a direct charge against some one as to the commission of a designated offense.

Mr. ROWELL. There may be such a decision where that is the law, but it is not ordinarily the law. In nearly all the States the grand jury may summon a witness before them without any charge against anybody, for the purpose of asking him general questions as to any violations of the law.

Mr. DINGLEY. If the gentleman will allow me to read from the Globe-Democrat interview in the RECORD I can give an illustration of the character of the charge—

Mr. COBB. Let me ask the gentleman that question.

Mr. DINGLEY. If the gentleman will permit me to read, it will serve to show him what is charged.

Mr. COBB. What I wanted to inquire was by what authority any grand jury could exercise the power of summoning a witness to answer these general questions, unless they are authorized by a special State statute.

Mr. ROWELL. I want to say that I have had occasion to have grand juries exercise that power through a period of four years in various counties in the State of Illinois, and that the power is undoubted and unquestioned in that State.

Mr. COBB. But you have an Illinois statute authorizing it.

Mr. ROWELL. No, sir; it is done under the general power of common-law right as to summoning witnesses before a grand jury upon criminal matters.

Mr. COBB. There are, of course, cases where such power is exercised in some States under State statute, but I can cite to the gentleman repeated decisions of the court wherein—

Mr. PAYNE. What State?

Mr. COBB. The State of Alabama. The court decided that to al-

low the grand jury this general power of investigation would extend its authority to that extent that it would be detrimental to the interests of the citizen; and that before a witness could be punished for contempt for not answering (this was a case where the witness refused to answer a question before the grand jury) there must be a case under investigation. And in the case I have in mind it was decided that there was no contempt for the reason that the question for the refusal to answer which the witness was charged as for contempt was a general one, one touching the commission of crime in the county, and not relating to a specific investigation, and that such course, if allowed, would enable the grand jury to become an inquisitorial body.

Mr. FRANK. But the gentleman will remember that that has no application to this specific case.

Mr. COBB. I do not assert that it has. I was only submitting whether or not it has. I certainly desire to offer no obstruction to the proper exercise of power by the House in this case.

Mr. ROWELL. I do not care to be turned aside from the line I was pursuing. I understand such a decision was rendered in Alabama.

Mr. COBB. The gentleman from Maine proposed to read something, and I would like to have him read it now.

Mr. DINGLEY. I have given the interview to the gentleman from Illinois, who occupies the floor, and he will read the paragraphs to which I referred.

Mr. ROWELL. I know there was a decision in the District of Columbia that the grand jury could not investigate a question until it had previously been investigated by a justice and certified up to it; but it is not current law. I do not care anything about it. I want to read some specific charges made by this witness and then let gentlemen judge:

Q. Was there any Missouri Representative on the list for whom silver was carried by the pool?

The charge was that it was carried at the expense of the pool and the member was to have the profits, if any, but to suffer no loss. The answer was:

Yes; one.

And then he says:

Was he a Democrat or Republican?  
A Democrat.

Then it goes on:

Representative ———, of New York, I expect, made more than any other member of the House on the deal. He got a barrell out of it. Then there were two Californians, two of the Illinois delegation, one Kansas man, and two Iowa members that I remember now on the House list. I think that there were not more than fifteen Representatives who were taken in.

Mr. COBB. Will the gentleman allow me a moment's time?

Mr. DINGLEY. I desire, in justice to the gentleman from Rhode Island who has charge of the Military Academy appropriation bill, to have no more time taken up than is necessary.

Mr. PEEL rose.

The SPEAKER *pro tempore*. Does the gentleman yield to the gentleman from Arkansas?

Mr. DINGLEY. I yield to the gentleman from Arkansas, my colleague on the committee.

Mr. PEEL. Mr. Speaker, I desire to inquire of my colleagues and other members of the committee if we are not discussing this question prematurely. I do not think the power of the House goes into the question so far as that matter is concerned that is now before the House. As I understand in all tribunals having the power to subpoena witnesses to secure evidence the very fact of the refusal to obey the summons of the court is within itself a contempt of that authority, and it is for the court to determine. The court never inquires into the nature of the evidence desired.

The only question for the court to determine is, has the party been duly served? If the tribunal has jurisdiction over the subject-matter at all, it has a right to procure the evidence, and when it issues its process and that process is served upon the party and he fails to appear, that in itself is a contempt of the authority, and an attachment goes as a matter of course to bring him before the bar. As to whether we have the power to punish him for contempt when he comes, that is a different question, and it is one which certainly does not arise now. The committee have brought before the House the fact that this party has been subpoenaed and served, and that he has refused to obey the summons.

Now, then, if the House meant what it said when it referred this subject-matter to this select committee with authority to subpoena witnesses, administer oaths, and so on, it can not refuse to extend the other authority to force the witness to attend, because that would defeat the whole object of the investigation. If the House refers this matter to a select committee with authority to bring witnesses and if it then turns around and refuses to require the witness to attend, it makes the proceeding a farce and it would be idle to pursue it further. I hope the order will be granted, and let the other question be dealt with when it arises.

Mr. VAUX. You think the power to bring the witness here does not necessarily involve the power to punish?

Mr. PEEL. Not at all.

Mr. BRECKINRIDGE, of Kentucky. Let me suggest to the gentleman from Arkansas this question: Is it not a punishment in itself to attach the witness, take him in custody and bring him a prisoner from his own home, or wherever he may be found, to Washington, and does not the same question arise on the exercise of that power that would arise on the question of punishing him for contempt? Unless the House has jurisdiction to punish for contempt, it has no power to arrest the witness; for the witness can not be arrested until he is in contempt of the body whose process he has disobeyed. Therefore, is not the very question that the House has to decide the question whether it has the power to punish this witness by arresting him and bringing him in custody to its bar?

Mr. PEEL. I think not. In reply to the gentleman from Kentucky, I presume it is familiar to every member of this House who is a lawyer that no court ever goes into the question of whether it will punish a witness who is in contempt or not, until he has appeared before it and offered his excuse for refusing to obey the process. A witness may not be in contempt even though he has failed to obey the process. He may have a lawful excuse for not coming in obedience to the subpoena. That is a matter for the future. I say to the gentleman from Kentucky that I do not consider that the arresting and bringing a man here to answer for not appearing under process is any punishment at all, more than naturally and inevitably grows out of the nature of all tribunals. It is a thing that is incidental to the power of the court or other tribunal. If we have jurisdiction of the subject-matter and have power to subpoena a witness, to administer an oath and to hear his testimony, the same authority that gives us that jurisdiction has power to compel this witness to attend. The question whether, when the witness refuses to obey the subpoena, he is in contempt of the tribunal is an afterconsideration, to be determined on its merits. As I have already said, he may have a lawful excuse or he may not. That will be a matter for the judgment of the House when he offers his excuse, a question to be determined by itself when it arises.

Mr. DINGLEY. I yield two minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, this is a question of the power of the House to compel the attendance of a witness who has been lawfully summoned and has failed to respond to the summons. The question whether he has a communication which is privileged and which therefore he need not divulge, the question whether his testimony is unimportant or irrelevant, does not arise upon this motion. This is the assertion of the power of the sovereignty of the country to compel the attendance of a witness, and it is totally unimportant at this stage whether the witness knows anything, or whether what he does know is pertinent, or whether he is privileged to refuse to tell it. His duty is to come before the tribunal which is to decide that question, and answer, and submit to the judgment of the tribunal.

The next point made is in regard to tendering to the witness his fees and mileage in advance. I know of no sovereignty, whether of the nation or of the State, that ever permits a witness to demand fees in advance. In a case where the Government of the State or of the nation is a party the Government compels attendance, demands, requires, and has a right to the attendance of every citizen, and the Government will see to it that the rights of the witness in that behalf are carefully guarded. Nor, in any of the States of this Union, so far as I know, in a criminal prosecution or any proceeding which is of that nature, does the State permit a witness to excuse himself from attendance or to avoid attendance by demanding his fees in advance.

In civil cases in the several States it is provided that a witness may demand his fees in advance, and if they are not paid he is excused from attendance. But he must make that appear; it is not for the Government to show affirmatively that there has been a tender of fees or mileage.

[Here the hammer fell.]

Mr. VAUX. Will the gentleman allow me to ask him a single question? For he has given a very clear exposition of the law. Now, if I understand his proposition it is—

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. DINGLEY. I yield to the gentleman from Alabama [Mr. OATES], a member of the committee.

Mr. OATES. Mr. Speaker, the question of power to compel the attendance of this man as a witness is not necessarily before the House for consideration except to a very limited extent. This committee was raised by order of the House and instructed to investigate allegations which had been made that members of this House had been corruptly engaged in speculation in silver. In the disclosures of others before the committee this man has been mentioned as having stated that he knew of the existence of a silver pool in which members of this House were engaged for the purpose of speculating upon the Government. A condition of things is disclosed which might if established by reputable testimony lay a predicate for the expulsion of members of this House.

Now, that is a matter clearly within its jurisdiction by the provisions of the Constitution. The decision of the Supreme Court of the United States in the case of Kilbourn and Thompson draws the line separat-

ing the three departments of the Government and decides substantially that if the matter sought to be investigated belongs to the legislative department, and is one with which Congress or either branch of it may properly deal, and the witness refuses to make a disclosure touching such a matter, he is in contempt of the House and may properly be dealt with as for a contempt. But, as a matter of course, if the question is one belonging to the judicial department or the executive department, over which Congress has no jurisdiction, neither House of Congress can deal with him for contempt if he refuses to testify.

Now, here is a statement made to the committee which *prima facie* establishes a case within the jurisdiction of this House, and that is enough for the present inquiry. When the witness is brought here, if he then refuses to disclose his knowledge it will become a question for the House to determine, on the facts then developed, whether the matter is within their jurisdiction and whether they may punish him as for contempt in refusing to testify. If this committee is to do what the House has ordered us to do, the House ought to grant compulsory process at once to bring this man here to testify as a witness. When he has been brought here and testifies, whether his testimony is worthy of credit or not is another question.

Mr. DINGLEY. I now demand the previous question.

Mr. TURNER, of Georgia. Before the gentleman from Maine demands the previous question, I wish to ask him whether the effect of the decision in the Kilbourn case is not a declaration that the jurisdiction of the House is limited in this regard; and whether in view of that decision it would not be well for the officer who may summon this witness to be provided with a resolution reciting the facts necessary to give the House jurisdiction, so as to avoid the discharge of the prisoner upon habeas corpus? I call the attention of the gentleman to this matter in order that his resolution may be amended in this respect.

Mr. DINGLEY. The report of the committee (and of course the report is a part of the record and will go with the order) concludes with a recommendation for the adoption of "the following order."

Mr. TURNER, of Georgia. I suggest to the gentleman that the report may not necessarily be held to be a part of the resolution and that the question of the jurisdiction of the House might arise in the courts. In order to avoid any question of that sort it would be advisable to embody, with the resolution, something like the recitals in the report; otherwise the officer will be liable to have his prisoner taken from him on a habeas corpus proceeding anywhere between Chicago and the Capital.

Mr. OATES. I hope the gentleman from Maine will accept the suggestion of the gentleman from Georgia [Mr. TURNER]. It can do no harm and may obviate the very difficulty which the gentleman from Georgia suggests.

Mr. DINGLEY. The committee have followed a precedent which has been established from the foundation of the Government to the present time. We have not varied the course of proceedings, which has been for the committee to state in a report the facts of the case in connection with the order which they recommend.

Mr. TURNER, of Georgia. The gentleman will not forget that the Kilbourn case has been decided since those precedents were made.

Mr. DINGLEY. Some of these precedents have been since that case; and this recital of the facts concludes as follows: "We therefore recommend the adoption of the following order," which, it seems to me, makes the report accompany the order as a part of it.

Mr. PAYNE. I suggest to the chairman of the committee that he amend the resolution by prefixing something like the following: "Whereas the committee to investigate the alleged silver pools have presented the following report"—then let the report be inserted in full—"therefore resolved," etc.

Mr. OATES. That would be a sufficient amendment.

Mr. TURNER, of Georgia. The gentleman from Maine will see that the report is a separate thing from the resolution as now presented and that they ought to be united.

Mr. DINGLEY. I will accept the suggestion, and while the order is being modified I will yield two minutes to the gentleman from Wisconsin [Mr. CASWELL], who desires to bring to the attention of the House a case in point.

Mr. CASWELL. I ask the Clerk to read one paragraph of the syllabus in the case I have marked.

The Clerk read as follows, from Wisconsin Reports, volume 7:

The Legislature has power to institute an inquiry into the truth of an alleged bribery of any of its members, or of the members of a previous Legislature, connected with the disposal of a trust committed to the Legislature of the State, and continuing under its present and future guardianship and supervision, and in the exercise of such power it must necessarily have power to and may compel the attendance of witnesses before it or before a committee of either house or a joint committee of both houses, and compel such witnesses to testify; and also to inflict punishment, as for a contempt, upon such witnesses for their refusal to attend or testify.

Mr. CASWELL. I only wish to add that the decision in the Hallet Kilbourn case clearly holds that in ordinary proceedings or common-law investigations the Congress would not have power to punish for contempt; but whenever it involves the members of the House it may not only subpoena and compel the attendance of a witness, but may punish for contempt. Without such authority we would be perfectly

powerless to compel the attendance of witnesses to give testimony as to the standing, character, or proceedings of members. Consequently the Supreme Court did not undertake to deny that power to Congress, and it is clearly within the reasoning of the court that Congress has not only power to arraign, but the power to punish for contempt.

Mr. DINGLEY. Now, Mr. Speaker, adopting the suggestions of several gentlemen, the committee have modified the resolution so as to make it clear that the report setting forth the facts on which the resolution was based forms a part of the resolution itself. I ask the Clerk to read.

The Clerk read as follows:

Whereas the special committee appointed by the House to investigate alleged silver pools presented the following report, to wit—

Mr. DINGLEY. That is all that is necessary to read, as the report follows. Now read the concluding portion.

The Clerk read as follows:

Therefore, it is ordered that the Speaker issue his warrant, directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of J. A. Owenby, and him bring to the bar of the House to show cause why he should not be punished for contempt, and in the mean time keep the said J. A. Owenby in his custody to wait the further order of the House.

Mr. DINGLEY. Now I demand the previous question upon the adoption of the report as modified.

The previous question was ordered; under the operation of which the report as modified, with the accompanying order, was adopted.

Mr. DINGLEY moved to reconsider the vote by which the report and order were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. SPOONER. I now move that the House resolve itself into Committee of the Whole to further consider general appropriation bills. The motion was agreed to.

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

Mr. MOORE, of Texas. Mr. Chairman, when the committee rose a few moments ago, I was proceeding to state that during the progress of this debate the gentleman from Iowa, I believe, from his place took occasion to speak of a very eminent man in Texas, General Hamilton; and in respect to this distinguished man he paid him the tribute that General Hamilton certainly deserved, but spoke of him as one of the instances of the settled purpose of the State of Texas to retire and to keep in retirement their eminent sons who were engaged in the war on the Union side. In this connection he cited General Hamilton as an illustration of what he claims to be the treatment of such men.

Possibly no man could be mentioned around whose name the people of Texas cluster more interesting memories than that of General Hamilton, and I desire to emphasize one or two facts connected with it.

Leaving Texas when the war broke out he became a Union soldier, returning after the war as the provisional governor appointed by President Johnson. He gave the State of Texas such an unqualifiedly incorruptible and true administration of its public affairs that after the State was again reconstructed Mr. Hamilton became a candidate for governor before the people of Texas, opposed by Mr. Davis and by the Republican party under conditions such, perhaps, as no other people ever before witnessed.

But a single polling place was opened in each and all of the counties of the State, and marshals and deputy marshals crowded around the polls, surrounding all of the ballot boxes just as has been suggested in this famous election law. The result was that these ballot boxes were seized all over the State in different counties; Hamilton was counted out and Mr. Davis was counted in. When Hamilton went out of office he left a plethoric treasury with several hundred thousand dollars surplus and not a debt against the State. Governor Davis took the position and ran the government for three years. At the conclusion of his term there was not a dollar in the treasury, but there was nearly five millions of debt against the State credit.

But, says the gentleman from Iowa, and I will repeat his exact language:

Hamilton, of Texas, was relegated to the rear simply because he was devoted to the Union in the days when the life of the Union was involved.

How relegated? By whom relegated? Not by the people of Texas, not by the Democratic party of the State, for he had been but its recent candidate, but by that carpetbag government. Mr. Hamilton came to the front, a brave, great, generous man. A few years before engaged in war with us, then becoming a leader of the conservative people of Texas, to protect them from public pillage; and yet here to-day the charge is made against us that the people of Texas relegated that man to private life. I sought to correct the gentleman from Iowa. I quote from the RECORD:

Mr. MOORE, of Texas. I want to interrupt the gentleman right there. He made an allusion to Texas. Is he aware of the fact that General Hamilton is dead and that he died very soon after the war?

Mr. KEAR, of Iowa. I know that; but he had to retire from public life in Texas before he died.

Mr. MOORE, of Texas. General Hamilton died in Texas very soon after the

war. He stood in the front rank in making war against the carpetbag administration.

These are the facts, and I desire to suggest to the gentleman from Iowa [Mr. KERR], not by way of any reformation, for I fear that would be hopeless, that hereafter, in his daily diatribes against the people of the South, and especially against the people of Texas, he mingle a little truth with them, and possibly that may have some effect upon the country or upon the House, whether it does upon the gentleman or not.

Mr. KERR, of Iowa. The gentleman from Texas has said something about my diatribes on the South. I have made no diatribes on the South, but I know that General Hamilton did canvass the North in favor of the reconstruction measures and that he stumped the North during the entire campaign of 1866 against Andrew Johnson and in favor of the reconstruction measures. I am not of course, and will not claim to be, familiar with the history of Texas. I do not believe there is any man in the North who sympathizes with any measures in the South that were calculated to depress their industries or to rob the people by unjust measures of legislation, on the part of any of the carpetbag governments so called. But we know that the measures for the education of the people in the South, the amendments to the Constitution, placing them in harmony with the general spirit of the age and the country, were inaugurated in the first instance by the carpetbag government.

Mr. OUTHWAITE. Will the gentleman yield for a suggestion right there?

The CHAIRMAN. Does the gentleman yield?

Mr. KERR, of Iowa. Well, if the gentleman wishes simply to make a statement. I do not yield for a speech. I have no objection to a brief statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. OUTHWAITE. Very well. The gentleman has not declined to yield, Mr. Chairman.

Mr. KERR, of Iowa. In regard to General Hamilton, I, of course, am not familiar with the history of Texas, neither do I find that much fault has been found with Texas. I believe it is generally conceded in the North that the administration of affairs in the State of Texas has been more liberal, and that there has been a better spirit manifested in that State than in almost any other State in the South, although they have preferred the old Confederate leaders and have given them the offices. And consequently what remarks I have made in regard to the deprivation of the right of suffrage I do not suppose apply with as much force to Texas as to many other States.

But I protest that this continual statement on the other side of the House that, when any one on this side insists there should be free elections and a full vote and a fair count, it is an attack on the South, is not just. I hope the people who are opposed to fair elections in the South are not the South. The fact is that the majority of the people of the South have never been on the wrong side. If they were dominated over it was the dominating proslavery aristocracy before the war, and the old leaders still assuming to dictate the policy. The men who went into rebellion did not dare to submit a single one of their Confederate constitutions to a fair vote of the people of a single State. Not in a single instance were the constitutions of the Confederate States submitted to a vote of the people and adopted; but they were driven into rebellion, as they are dominated now, by the same old social aristocracy, the slaveowners and their descendants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OUTHWAITE. Mr. Chairman—

Mr. SPOONER. I rise to a point of order. We have had a great deal of irrelevant discussion upon this bill. It was expected that in the general debate, much license and liberty in that direction would be allowed—

Mr. OUTHWAITE. This does not come out of my time, Mr. Chairman.

Mr. SPOONER. But we are now engaged in considering the bill under the rule providing for consideration under the five-minute debate. If that rule is read, it will disclose that this debate upon irrelevant matter, upon matters not pertaining to particular subject-matter of the amendment proposed, is out of order.

Now, we have taken a very long time in the consideration of this little bill. I have no disposition to instruct gentlemen as to the manner in which they should present their views to the House at all reasonable and proper times. I did not interpose this morning when the gentleman from Texas [Mr. MOORE] made his remarks, because he said that he wanted opportunity to briefly reply to something that was said by the gentleman from Iowa [Mr. KERR], and when the gentleman from Iowa responded simply to that matter I could not well object; but it does seem to me that this has gone far enough, and I must protest against it, and I must ask that the discussion be confined to the subject-matter of the amendment and that we be permitted to dispose of this bill. When the next bill comes up under the general discussion I think an opportunity may perhaps be had for indulging in these ulterior and outside matters.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. McMILLIN. Does not the gentleman know that when the House is in Committee of the Whole on the consideration of any measure very great latitude is always given to debate?

Mr. SPOONER. Not under the five-minute rule. The rule is definite. I have had occasion many times to have it administered as against myself.

Mr. McMILLIN. I have never seen any different rule.

Mr. SPOONER. I ask that the rule be read.

Mr. OUTHWAITE. I see no reason for delaying longer to occupy the five minutes to which I am entitled.

Mr. McMILLIN. Go ahead.

Mr. OUTHWAITE. It is not my custom to indulge in political debate upon any measure before this House.

The CHAIRMAN. The *pro forma* amendment is pending and not withdrawn, and the committee is aware of the rule on that subject.

Mr. MOORE, of Texas. I withdraw it.

Mr. OUTHWAITE. Now, I renew the amendment.

Mr. McMILLIN. Now, you have five minutes.

Mr. OUTHWAITE. I renew it, and I would like to go on uninterruptedly.

The gentleman from Iowa said that the educational features in the laws and constitutions of Southern States that were beneficial to the people of those States all originated from what are termed the carpetbag governments. I wish to suggest to him at this time that he was mistaken in at least one of those States; that is, the State of Georgia. The State of Georgia in 1865 and 1866 established a school fund that was to be for the benefit of the children of all of its citizens, and the State of Georgia was the first one of the Southern States that recovered self-government, released itself from the dominion of the carpetbag government, and established the Democratic party in power in that State.

There is an educational fund which was devoted to the Southern States by the benevolence of an eminent citizen, the trustees of which are drawn chiefly from the Northern States. The President of the United States is *ex officio* one and the Chief Justice is *ex officio* another of those trustees for distributing this educational fund. They distribute it according to the efforts made by the several States to educate their people, and they distributed more to the State of Georgia than they did to any of the States in the hands of the carpetbaggers. It is true that under the carpetbag governments of some States the expenses for education were greater; but I know of an instance in which \$4,000 was appropriated and used, and the people taxed to pay it, to build a common country schoolhouse that could have been built for \$800. That is the way in which the large debts were run up in those Southern States, ostensibly for good purposes, but generally to fill the pockets of the people who descended upon them worse than harpies. They made way with about all of the school fund of Georgia and other Southern States.

Now, Mr. Chairman, this is part of the history of this country, and it is a part of the history of this country well to take note of at this time, when it is proposed by gentlemen who sit upon the other side of the House by partisan legislation to place these people in danger of falling again into the hands of such wretched speculators and thieves as had control of them during the carpetbag government. They probably do not expect it to result so, yet the result of the legislation which has passed this House, ostensibly for pure elections, is really for the purpose of placing the Southern States under the control of political adventurers. It would have just such an awful result as that, and it is therefore that the business interests of those Southern States are largely aroused and alarmed to protect themselves from such a calamity.

The Clerk read as follows:

For pay of one landscape gardener, for such period as his services may be necessary, \$500; in all, \$13,920.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word for the purpose of making a very brief response to one of the incorrect statements made by the gentleman from Iowa [Mr. KERR] a few moments ago.

The gentleman from Ohio [Mr. OUTHWAITE] has already corrected one or more of his historical inaccuracies, and I have reason simply to correct one in regard to a State which seceded from the Union. The gentleman from Iowa announced that in no single instance was there a vote by a Southern State upon the question of separation from the Union. Did he not say that?

Mr. KERR, of Iowa. I said that.

Mr. RICHARDSON. Now, then, Mr. Chairman, I desire to say that he is altogether mistaken so far as Tennessee is concerned. I am not going to discuss the right or wrong of the question, but simply to refer to the history of the question. After Mr. Lincoln was elected, in November, 1860, the South became apprehensive.

Mr. EVANS rose.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. RICHARDSON. I do for a question.

Mr. EVANS. Will the gentleman from Tennessee state the result of that election?

Mr. RICHARDSON. I will. That is what I have taken the floor for, if my colleague will only compose himself for a moment.

The Legislature of Tennessee soon after Mr. Lincoln was elected, anticipating injustice or wrong to the South, submitted the question of separation or no separation to the people of Tennessee. The election was held in the month of February, 1861, before Mr. Lincoln was inaugurated on the 4th of March, 1861. At that election the question of separation or no separation was submitted, and at the same time delegates were elected to a convention to be held in the event that separation from the Union prevailed. At that election the people of Tennessee, not then knowing that there was any serious danger, although it was threatened, voted down the question of separation by 60,000 majority; but in the month of April, after Mr. Lincoln was inaugurated and the firing began at Fort Sumter, the Legislature again submitted the question of separation or no separation to the people of Tennessee, and it was voted on in the month of June, and then it was that the question of separation carried by a large majority and Tennessee considered herself after that date out of the Union. These are the facts, and I simply rose to put them on record.

The Clerk read as follows:

For repair of cooking utensils and the replacement of worn-out cooking utensils in the cadet subsistence department, purchased in open market on the order of the superintendent, and to be immediately available, \$100.

Mr. OUTHWAITE. I desire to offer an amendment at that point, to come in immediately after the sixth line on page 16.

The Clerk read as follows:

After line 6, page 16, insert:

"Reflooring Grant Hall (cadet mess hall), substituting for the board floor therein a white marble floor 96 feet long by 45 feet wide, to be immediately available upon the approval of this act, \$3,024."

Mr. OUTHWAITE. Now, Mr. Chairman, that amendment is offered by me because I find in the estimates for public works at the Military Academy such an estimate, and I find also this note to the estimate:

Immediate availability is requested because of the urgency for a new floor. The present floor is very inferior, hard to keep clean, and is unsuitable for a dining room which is used thrice daily by so large a body as the corps of cadets; being used so often daily the water and soap used in the necessary cleansing is absorbed to a greater or less degree by the wooden floor, and as it dries out there is emitted an objectionable soapy odor which can not be gotten rid of, is always present, and which is most obnoxious to the habits of the hall. This estimate is in the interest of health, cleanliness, and economy.

Now, I desire to say that this committee, in the beginning of their report, make this statement:

The total amount appropriated by the bill is \$402,061.64, which is \$150,672.26 less than the estimates and \$33,231.47 less than the appropriations for the fiscal year ending June 30, 1891, as is shown in detail in the statement annexed to this report.

Mr. Chairman, I do not believe in that kind of economy. I do not believe in that method of cutting down the expenses of the Government. Here is an estimate which is sent to this committee from the officer having this matter in charge, and the reason for the estimate and the reason for the appropriation are that the improvement is needed, because the dining-room of this hall in which the corps of cadets take their meals three times a day is becoming decayed, is saturated with foul water, is not only offensive to those who dine there, but is objectionable also because of being unhealthy, and especially so to those who are compelled to remain there during the day. As the words of the note read, very emphatically: "The estimate is in the interest of health, cleanliness, and economy." I see no reason therefore why the committee should reject this amendment.

Mr. SPOONER. The committee examined this matter with some degree of care. The present floor of the mess hall was laid down about seven years ago. It is a wooden floor. The proposition contemplated by the estimate is for a marble or tile floor. The committee, after hearing what was to be said concerning the proposition, believed that other matters which are provided for in the bill were much more deserving of immediate consideration, and although the importance of having a new floor for that mess hall was to some extent recognized by the committee it was not considered to be a matter of very pressing necessity.

Mr. BUCHANAN, of New Jersey. Will the gentleman permit a question?

Mr. SPOONER. Yes, sir.

Mr. BUCHANAN, of New Jersey. I wish to ask the gentleman how many of these young gentlemen who are fed and clothed and educated at the public expense and receive a salary besides probably have marble floors in their dining rooms at home.

Mr. SPOONER. That is one of the questions that I shall not attempt to answer. I do not know.

Mr. CUTCHEON. Mr. Chairman, as stated by the gentleman in charge of the bill, the present floor of the mess hall was laid down seven years ago. It is an ordinary wood floor. It is not decayed, as stated by the gentleman from Ohio [Mr. OUTHWAITE], but it is somewhat worn, and undoubtedly by the time this appropriation would be expended it might properly be replaced by a new one. The only reason why the committee did not embody the appropriation in this bill was that there were other objects connected with the sanitary condition of the post that were regarded as much more important and urgent, and the committee had no doubt that this matter might without detriment wait until the next session of Congress.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I ask that the amendment be read again.

The amendment was again read.

The CHAIRMAN. The question is on the amendment.

Mr. OUTHWAITE. I move to strike out the last word. I wish to say a few words in reply to the gentleman from Michigan. I have taken the estimate as it was sent here. It provides for a white marble floor. I am not particular that the floor should be of white marble, but that is the kind of floor that is used in a great many dining rooms in different places throughout the country where a large number of persons have to eat together. The amendment, however, is susceptible of amendment so as to provide for a tile floor if the gentleman prefers that.

The marble floor would outlast a number of wooden floors, so that in the long run the cost would be about the same, and I suppose it is because of its durability and of its being easy to clean, that the marble floor was recommended.

Now, as to leaving this for the next Congress to provide for, that is one of the things I object to. It is the duty of this Congress to make such appropriations as are required for the public service and to keep the public buildings in such a condition as to make them useful and healthful in the highest degree. This bill up to this time, as is shown by the report, does not appropriate an amount equal to that appropriated for the current fiscal year by some \$30,000, and therefore I do not think it is imposing any heavy or improper burden to require this Congress to make this appropriation.

Mr. BRECKINRIDGE, of Arkansas. I desire to ask the gentleman in charge of the bill what the official recommendations are in relation to this improvement.

Mr. SPOONER. They were read by the gentleman from Ohio [Mr. OUTHWAITE] from the Book of Estimates.

Mr. BRECKINRIDGE, of Arkansas. I did not understand the gentleman from Ohio to state that what he uttered was the official recommendation. I thought he was stating simply his own opinion.

Mr. OUTHWAITE. Oh, no. I read from a letter from the United States quartermaster and commander of cadets recommending this appropriation.

Mr. CUTCHEON. The note read by the gentleman was from the letter of Captain Spurgin, the quartermaster of the post. I will say further, for the information of the gentleman and of the committee, that when the Board of Visitors were at West Point in June last the superintendent recommended a new tile floor for the messroom.

Mr. BRECKINRIDGE, of Arkansas. Did he estimate the cost?

Mr. CUTCHEON. He estimated the cost at \$3,024.

Mr. BRECKINRIDGE, of Arkansas. Is that the same amount mentioned by the gentleman from Ohio [Mr. OUTHWAITE]?

Mr. CUTCHEON. I believe it is. The committee did not decide that such a floor was not desirable or necessary, but they thought it might lie over a single session without detriment to the public service.

Mr. BRECKINRIDGE, of Kentucky. Did the committee consider the question of the propriety or necessity of providing at least a new floor of wood?

Mr. CUTCHEON. We considered that probably upon the whole, taking into consideration durability and cleanliness, when the present floor was replaced an encaustic-tile floor would be the best.

Mr. OUTHWAITE. Then I ask unanimous consent to amend the amendment so as to provide for a white-marble or encaustic-tile floor. I suggest the insertion of the words "or tile" after the word "marble."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this is in every way a very inappropriate species of economy. It seems that here is a permanent building subject to great use. The present situation is positively unhealthy. Now this thing has got to be done; it has been urged in the past that it be done; it is a small matter and it ought to be done now. We know very well that medical evidence is very pronounced in the opinion that where a plain floor is used in this manner it can not be kept from absorbing the materials that drop from the tables unless it is subjected to the rough usage that is practiced upon the decks of vessels, where a large rough stone is dragged over the deck at least once a day. And we all know that the material of which our floors are made would not last more than a year if subjected to such treatment. Therefore it may be safely assumed, in view of the use to which this hall is subjected, that the present difficulty is not simply that the floor is out of repair, but that it is actually unhealthy. We ought to guard the health of these young gentlemen and adopt the amendment.

Mr. KELLEY. Mr. Chairman, while this bill has been under discussion I have noticed that there has been some miscellaneous debate; and although my friend from New York [Mr. FLOWER] came around here and in a rather threatening manner said that I had better keep quiet [laughter] I think I will call attention to a statement which was made by my friend from Mississippi [Mr. LEWIS] two or three days ago in reply to a statement which I had made on this floor, and which I now reiterate, that James Prentiss Matthews, Republican post-

master at Carrollton, Miss., had recently been assassinated because he was a Republican.

At the time I made that statement or soon after I had made it, the gentleman from Mississippi took occasion to tell this House, and I suppose also the country—for I think he has since told me that it was in the papers of the country or some of them—that the Postmaster-General himself, upon the evidence obtained by the investigation made by him through an inspector, was of the opinion that there was no politics whatever in this murder. Now, Mr. Chairman, I want to say to the gentleman from Mississippi and to this House and to the country, upon the authority of the Postmaster-General himself, in contradiction of the statement made by the gentleman from Mississippi [Mr. LEWIS], and I have his permission to say it here, given to me for the purpose, that he believes that James Prentiss Matthews, Republican postmaster of Carrollton, Miss., was killed because he was a Republican.

Mr. BIGGS. Will you let me ask one question?

Mr. KELLEY. I will when I get through with this statement and one or two others that I am going to make.

Now, Mr. Chairman, the same gentleman from Mississippi [Mr. LEWIS], after introducing his remarks with a classical expression which being interpreted meant, "Say no evil of the dead" or "Say nothing but good of the dead," took occasion immediately after making that remark, classical as it was, to heap upon the Republican postmaster who has been assassinated in Carrollton, Miss., to pile slander upon his memory, for the purpose, I suppose, of vindicating the Democratic assassins that murdered him, for I can conceive of no other reason, and if every word he has said about this young Republican martyr's character is true, which it is not, it would be no justification to his assassins.

He has heaped, I say, some of the most vituperative slang or slander that could be piled upon a man even if he were alive, in which case such remarks I think would not have been made. Mr. Chairman, I can conceive of no crime more foul than the assassination of a man because he is a Republican, unless it be to assassinate the dead man's character to justify the assassins. I take occasion to-day to deny the statements that were made by the gentleman yesterday in regard to the character of this gentleman, Mr. Matthews, who has been assassinated. I want to say, and I can prove it by the testimony taken by an investigating committee that was sent down there for the purpose of investigating the assassination of this man's father, that not only this young man himself (he was only twenty-one years of age), but his brothers and sisters and the whole family, will compare favorably, so far as honor, integrity, intelligence, and wealth are concerned, not only with any gentleman or ladies of any family in the State of Mississippi, but also with the constituents, and the best constituents, of any gentleman on this floor.

In the report of the committee that investigated that assassination—a report signed by the chairman of the committee, Senator HOAR, and several other members of the committee, including Senators SHERMAN and FRYE—they took occasion to commend the appearance of this family and the appearance of the boys (of whom this young man assassinated was one), and at the same time they took occasion to state that when the father was murdered two of the boys were in college, and when one of them, after receiving a telegram that his father had been assassinated, got on the cars to go home, and being asked by a Democrat where he was going and what he was going for—

[Here the hammer fell.]

Mr. KELLEY. I will finish in a few moments. He stated that he was going home for the purpose of attending the funeral of his father, and then this Democrat told him that he knew he was to be killed.

I extract a few words from the report referring to the Matthews family. It reads:

J. P. Matthews was a merchant about forty-five or forty-six years of age, of great capacity and energy, and of large property. He and his wife belonged to old and respectable Mississippi families. He was a native of Copiah County, as was his father before him. He had been a Union man through the war. He had two sons in college and two daughters, aged about nineteen and sixteen years. The wife and children all testified before the committee. It would be difficult to find anywhere a family whose appearance as they appeared before the committee could be more attractive. There is no member of the Senate who might not be proud to introduce anywhere as his own the four children who came to tell us the story of the murder of their father, for no other offense than that of being a Republican.

The testimony of Mr. McCain before the mock trial that was given the assassin, in Carrollton, is that Matthews told him that day he expected to die, and that he would die a martyr like his father. Another witness testified that Matthews told him he thought they would murder him that day, and also told him where he wanted to be buried. Mr. Chairman, in the great speech made by Mr. INGALLS in the Senate about a year ago he predicted that unless the conditions were remedied soon in the South "John Browns would spring up all over the South as willing martyrs to liberty." J. P. Matthews is one of them, as heroic a martyr for liberty as Brown or Wickliffe; and I want to say to my friends in Mississippi and elsewhere that it makes no difference whether you hang a martyr for liberty, or burn him, or shoot him with a double-barreled shotgun, the liberty for which he died will be the gainer and will eventually prevail.

Mr. Chairman, I had the honor of an acquaintance with this young martyr, and I deem it a great honor, and I shall never forget the heroic

appearance of this bright, scholarly, manly young man; and of his death I can say in the language of the poet, that fitly described his end:

Whether on the scaffold high  
Or in the battle's van,  
The fittest place where man can die  
Is where he dies for man!

Mr. Chairman, I shall take this occasion to say that, in my judgment, the assassination of Republicans in the Gulf States for the last twenty-five years, aggregating at a low estimate more than twenty thousand, will soon result in a national tragedy. How it will come or when no man can tell, how it will end no man can tell, but that it will come is as sure as that the wages of sin is death. The sin of this nation is the abandonment of its friends to become the victims of its enemies.

Mr. FLOWER. Mr. Chairman, the gentleman from Kansas in his remarks made allusion to me. I told him that if he made a speech somebody would "pitch into" him, and that he had better not do it. [Laughter.] Now, I did that because I knew that he had been in the habit of making speeches here pitching into my friend Mr. BRECKINRIDGE, of Arkansas, an upright, Christian man, who was unseated by that side of the House, but his State by a large majority sent him back here again to represent them, notwithstanding all of the speeches of the gentleman from Kansas, while on the other hand my suggestion that he had better not make a speech was based on the recollection that his constituents had found him out and had turned him down in the last election.

Mr. KELLEY. They did not shoot me because I was a Republican.

Mr. FLOWER. And let me tell you, my friend, the more you make that kind of speeches the better for the Democratic party. [Laughter.]

Now, I had something to say in my remarks a few days ago about a fair ballot and an honest count, or a free ballot throughout the country—

Mr. BOUTELLE. But you laughed when you said it.

Mr. FLOWER. Oh, I know the gentleman can not understand what a free ballot means. He resides in Maine. [Laughter.] But let me tell you that wherever throughout the North we have been able to reform the ballot and get it to a point where every vote is counted honestly as cast, and also wherever in the South that same condition of things has been accomplished, they have turned down the Republicans.

Mr. KELLEY. We do not mind being turned down by ballots; but we do object to being turned down by shotguns.

Mr. FLOWER. I do not know what they will do with you in Kansas if they keep on. [Laughter.]

A MEMBER. Turn him over to New York.

Mr. FLOWER. Because there seems to be thirty to forty majority in the Legislature now against you, and if you make any more speeches I do not know what will become of you or where you will end.

But, Mr. Chairman, I advise my friend from Kansas if he wants to make speeches to talk to and for the farmers. Let him tell them how to make a living and pay their mortgages—

Mr. KELLEY. Print Matthews was a farmer and also a merchant and a Republican, but he was assassinated.

Mr. FLOWER. Well, the gentleman from Mississippi [Mr. LEWIS] will take care of that. I have no doubt he heard what you had to say in reference to it. But I desire to say to my friend kindly, living as he does in a State west of the Mississippi River, nearly 4,000, certainly over 2,000, miles from the seaboard, to say the least—[Laughter.]

A MEMBER on the Republican side. Three thousand miles!

Mr. FLOWER. Well, let me tell you it starts 1,600 miles from the seaboard, and it does not end in less than 2,100 miles from seaboard.

Mr. KELLEY. Oh, we have other seaboard besides New York.

Mr. FLOWER. Now I say with reference to this State, which starts 1,600 miles and does not end until over 2,100 miles from the seaboard, that you need something else there than the kind of oratory the gentleman has been indulging in on the floor of the House to convince them that they are well represented on this floor. But that being your condition with reference to the seacoast, will you solve this problem? With the price of corn as it is at present—

Mr. KELLEY. Fifty cents a bushel in Kansas.

Mr. FLOWER (continuing). And wheat as low as it is—your corn will not stand more than a 100 miles transportation in wagons, and certainly not over 2,000 by railroad; your wheat will stand, say, 200 miles by common dirt roads in wagons and probably 2,500 miles by railroad at the present price before the cost eats it all up. Now, solve the question, with that condition of things, of building up something there whereby your farmers can make a living with their corn and wheat and save something which will result eventually in giving their lands a fair market price. Do that for your people, and you will be doing something which they will probably encourage. You will be doing something that your constituents will remember and send you back here again, and I hope some day that the gentleman, after having adopted that course, will be seen on the floor of this House.

Mr. CUTCHEON. Now the gentleman has given his opinion in regard to Kansas, how does he stand on the tile floor? [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Would it be in order to lay the Military Academy bill on the table temporarily, unless we can set-

tle these political questions and go on with the consideration of the bill?

A MEMBER. That is right.

Mr. BRECKINRIDGE, of Kentucky. I will not insist on the point of order.

Mr. LEWIS. Mr. Chairman, I move to strike out the last word.

While the patriotic and liberty-loving people of this great country are rejoicing in the strengthened hope of continued constitutional liberty, whose songs of gladness are heard around this continent, the stentorian and strident voice of the member from Kansas [Mr. KELLEY] is heard crying "Murder!" "Murder!" "Murder!"

Mr. SPINOLA. Call the police! [Laughter and applause.]

Mr. LEWIS. And he is the self-appointed and swift witness in every killing that has occurred in the States of Mississippi and Arkansas and on all occasions has sought to create the impression that the people of those States are in rebellion against the Constitution and the laws of the United States.

Mr. KELLEY. And has proved it.

Mr. LEWIS. I want to say to him that he is in rebellion against the mandate of the people expressed in last November's election. [Applause on the Democratic side.] I want to say that he is in rebellion against his own constituents, who have relegated him to the shades of private life. I want to tell him that he is in rebellion against his own State, which has just spoken, whose voice filled the "cathedral of this hemisphere," but fell unheeded upon his dull ears.

The gentleman from Kansas has undertaken to-day to charge me with aspersing the dead. He has denied, on what he claims is good authority, the assertion I made that the Matthews recently killed at Carrollton, Miss., was the identical man described in the letter of Mr. Waldo A. Pearce, which was read in the House on yesterday. I want to say, Mr. Chairman, that I reiterate that charge, and to prove it I will introduce testimony that can not be controverted by the mere statement of the gentleman from Kansas, nor by any other class of evidence of his procurement.

On yesterday he was magnanimous enough to notify me that he intended to contradict my statement. In order, Mr. Chairman, that I might speak with perfect authority I telegraphed yesterday evening at 5 o'clock to J. L. Power, of Jackson, Miss., who is the author of one of the letters read on yesterday, and I will read for the edification of the gentleman from Kansas my telegram and the answer thereto.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TURNER, of Georgia. Mr. Chairman, the gentleman from Mississippi has occupied very little of the time of the House. This is a matter involving one of the communities that he represents, and I ask unanimous consent that he may be allowed to proceed for five minutes further. If the Chair will recognize me, I will yield to the gentleman.

Mr. KERR, of Iowa. If the gentleman from Kansas [Mr. KELLEY] can have the same privilege, I will not object; but on yesterday the privilege was accorded to one side and not to the other.

The CHAIRMAN. The point of order is not made, and the Chair will recognize the gentleman from Mississippi for the time yielded to him by the gentleman from Georgia.

Mr. SPOONER. I hope it will be understood that at the close of that ten minutes this political debate will be concluded.

Mr. LEWIS. Mr. Chairman, I will now read the dispatch which I sent yesterday.

J. L. POWER, Jackson, Miss.:

Claimed here that Matthews you saw misbehaving on Georgia Pacific was the marshal and not postmaster at Carrollton.

That was the distinct allegation of the gentleman from Kansas [Mr. KELLEY]. Now, I want to read the reply of J. L. Power to that telegram, and I want to say that there is no man within the borders of Mississippi who stands higher in the estimation of her people than Col. J. L. Power, and no man who knows anything of him would stultify himself by attempting to contravene any statement that he might make:

JACKSON, MISS., January 28, 1861.

Hon. CLARK LEWIS, House of Representatives:

It was not the marshal, but "Coon" Matthews, the postmaster.

J. L. POWER.

I want to say, Mr. Chairman, that this Mr. Matthews was frequently called by the name of "Coon." I do not know by what means he acquired that sobriquet, but I do know that he was familiarly known through that country as "Coon" Matthews; and when Mr. Power says he was the postmaster at Carrollton he establishes the fact that this was J. P. Matthews who created that scene on the train of the Georgia Pacific Railroad, about which these letters were written.

Now, I want to say in conclusion, Mr. Chairman, that the gentleman from Kansas has made it his constant occupation, in season and out of season, to misrepresent and malign the people of the South; and I want to say that in this course he is in rebellion also against that lofty and beneficent sentiment uttered by the commander of the Union Army (one of the greatest generals of modern times) whose message of pacification at the close of the war was borne on the white wings of peace to every State, Territory, and district, every city, town, and hamlet within the

wide circle of a restored and glorified Union. [Applause on the Democratic side.]

Mr. KELLEY. Mr. Chairman, I move to strike out the last word. I will say, to begin with, that I do not know anything about the Mr. Power whose telegram has been read to-day.

Mr. LEWIS. That is your misfortune.

Mr. KELLEY. I stand upon the assertion I made, and it is not necessary to reiterate it. I do not consider the evidence of Mr. Power, even if he is as good as he is represented to be—which I can not doubt—any evidence here in this case. Now, Mr. Chairman, there is one thing about this evidence that contradicts itself, that I wish to refer to. He says he referred to the Matthews that was postmaster at that time, as I understand it, at Carrollton, Miss. Mr. Power says, as I understand it, that the Matthews that he referred to was the one that was postmaster at Carrollton at that time.

Mr. LEWIS. And the one that was killed.

Mr. KELLEY. But at that time this Mr. Matthews had not been appointed postmaster at Carrollton, Miss.; consequently it could not have been the postmaster who raised this disturbance on the train. J. P. Matthews was not appointed postmaster for two months after the disturbance on the train referred to in that dispatch.

Mr. LEWIS. He was the same man.

Mr. KELLEY. And it contradicts itself in that respect. Now, Mr. Chairman, in reply to some of the assertions and some of the aspersions that have been made in reference to my own action, I desire to say I am not here to traduce any man in Mississippi, or in the South, or in the North.

I am here defending the character of a Republican in the South, who has been killed in Carrollton, Miss., killed because he was a Republican. And if he was a constituent of the gentleman from Mississippi, it seems to me that the gentleman is the man who ought to reply to the aspersion cast upon me, for it is his constituents that I am defending. Not his assassin constituents, but the Republican victims of those assassins.

Now, I want to go a little further, Mr. Chairman, in reference to this matter. When I was rapped down to-day at the expiration of my time, I was about to say that the evidence produced and the report made by the committee which investigated the killing of this man's father contained the further evidence that the very Democratic mass meeting that ordered the killing of him, the very Democratic mass meeting that indorsed the killing, also appointed a committee of Democrats to wait upon the Matthews brothers, and this boy who has just been assassinated, was one of the brothers, to inform them that they would not be permitted to take part in the politics of Mississippi if they wanted to live.

Mr. LEWIS. Has that anything to do with this case?

Mr. KELLEY. Yes, it has something to do with this case. It is natural that boys having been raised under those influences, that boys who had been subjected to these threats, should be on guard. It is one reason, perhaps, why this Matthews who was killed had a gun in his hand at the time he was killed. He had been frequently notified, a short time before and ever since he had been postmaster, that he was not to be allowed to live in Carrollton and act as postmaster, and his life was in constant danger. And the evidence that was produced by my friend, Mr. LEWIS, and contained in that record, shows that that morning he stated to his clerk that he believed they were going to kill him that day, that he felt it was going to be done, and that he had not any objection to dying a martyr, like his father, and he gave directions even as to where he was to be buried. Could anything be more pathetic?

Now, if there is anything in this case that justifies a little boisterous conduct and a little bravado, as it might be called by the gentleman from Mississippi [Mr. LEWIS], it seems to me that this consideration would justify something of the kind.

Now, as the gentleman has referred to me as being a self-constituted defender of the persons who have been assassinated and murdered in the South, in reply to that I simply wish to say that I am sorry that the State of Mississippi can not furnish upon this floor some man who has got the sense of justice in him strong enough to come out and denounce these assassinations of Republicans and save me the necessity of doing it.

Mr. Chairman, I want to say further that this is only one of the cases of Republicans who have been assassinated in Mississippi because they were Republicans. Marshal Cook, who was a candidate for a place in the convention which has recently been held in the State of Mississippi, on the Republican ticket, after having made one speech as a Republican in favor of his election and having an appointment for another was notified by the Democratic committee of that county that if he proceeded in making his canvass as a Republican for the convention, he could not live in Mississippi. On his way to the next meeting he was cruelly assassinated by being shot from behind the walls of an old schoolhouse by two or three Democrats with shotguns. I could stand here until sundown and enumerate cases and prove every one of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOOKER. I move to strike out the last word.

Mr. Chairman, when I listened to the speech of the gentleman from Kansas the other day I had occasion to address the committee upon

the subject matter of the bill which is pending, and made no allusion to what he had said, because I considered it amply answered by the remarks of my colleague [Mr. LEWIS], who represents the district in which this killing is alleged to have occurred.

But I am getting tired of hearing this arraignment of Mississippi, these broadcast accusations against her people, before a tribunal that has not the power to try her. I think it is past the time, sir, when the Congress of the United States, either the House of Representatives or the Senate, shall sit in judgment upon crimes committed in that State. Both these offenses to which the gentleman from Kansas has alluded have been tried and determined, so far as they can be determined, by the only tribunal capable of trying them, the justice of the peace, who sits as an examiner in court, and the circuit court and courts of Mississippi.

When a gentleman undertakes, as a Representative here, to stand in his place, as the gentleman from the State of Kansas does, and arraign the whole State of Mississippi and says that her citizens are responsible for every killing that occurs, and particularly if it chances to be a Republican, that it is of a political character, he makes an assertion which I would be false to my duty if I were to retaliate by referring to cases in his own State or in the State of Indiana, which I had occasion to do at the last session of Congress. In the latter State a negro had been pursued for miles and shot down and riddled with bullets. It would have been unjust, it would have been outrageous to state to this House that the people of Indiana sided with that sentiment.

By what authority does the gentleman from Kansas undertake to say that the people of Mississippi have not reprobated all of these killings? They did at Carrollton. They do it everywhere. At Carrollton there is no question about this. This man was killed in self-defense; and the tribunal that tried the man who did the killing said he did it in self-defense. But the House of Representatives can not try this matter. But what has actuated the gentleman from Kansas in bringing this matter in here?

It is brought here for the purpose of exciting bad blood between the North and the South; for the purpose of appealing to a sentiment of ill-will between the two sections; for the purpose of saying that Republicans can not live there, which is absolutely false, because they have lived there, they do live there, and this very family to which he has now referred not only live there, but have been the recipients of four offices from this Administration. One of the brothers of this man was appointed marshal of the southern district until he was removed by the Department of Justice a few weeks ago because of improper conduct in that office.

Mr. KELLEY. He is marshal now.

Mr. HOOKER. He is not.

Mr. LEWIS. His successor has been appointed.

Mr. KELLEY. If the gentleman will allow me, I will state that he is now the marshal.

Mr. HOOKER. His successor has been appointed. He may be acting, but his successor is awaiting confirmation.

Mr. KELLEY. I received my information from the Attorney-General that he is now the marshal.

Mr. HOOKER. His successor is now awaiting confirmation. Three others of the family have received offices, and this man makes four, from the hands of this Administration.

Now, sir, as I understand it and from information which is given me, which is as good as any that the gentleman can have, having received a letter the other day from a gentleman who has generally acted with the Republican party in Mississippi, and not knowing that this matter came up here, he says, "Politics had no more to do with it than the man in the moon."

The truth of the business is that this man was running amuck against the town, with a rifle in one hand and a pistol in the other, and in that way was approaching the store of this young man, who finally killed him.

Mr. OUTHWAITE. Was he a citizen of the town before he was appointed postmaster?

Mr. HOOKER. No, he moved there to hold the office. I repeat, he was running amuck against the town; the papers have made the statement that he was standing in his store auctioning his goods with a Winchester rifle in one hand and a revolver in the other, and that he was armed in the same way when he approached this man's store and was killed. Now I wish to say a word in reference to the other matter long since passed and disposed of, which the gentleman from Kansas has attempted to revive here to-day.

[Here the hammer fell.]

Mr. OATES was recognized and yielded to Mr. HOOKER.

Mr. HOOKER. I want to say with reference to the killing of the father of this young man Matthews, which occurred years and years ago, that the man who did the killing was tried by the court and was acquitted by the verdict of a jury; and I want to ask, by what authority does the gentleman from Kansas call up that matter now, a matter occurring years and years ago, and attempt to excite party feeling, sectional hatred, malice, envy, and ill-will on account of it? A jury of the county sat on that case and acquitted the accused.

Mr. COOPER, of Indiana. Were there not negroes on the jury that acquitted him?

Mr. HOOKER. There were two and probably more negroes on the jury that tried and acquitted the man who killed the elder Matthews. The man was tried and acquitted by that jury on the evidence, after a long and protracted trial, in which the learned district attorney, who prosecuted the case with great zeal and vigor, was aided and assisted by the advice and counsel and powerful oratory of one of the ablest criminal lawyers in the State of Mississippi, Mr. McLaurin, of the town of Brandon. The accused was acquitted by the verdict of the jury, and I again ask by what authority does the gentleman from Kansas undertake to bring that case up here now and appeal to popular prejudice and popular passion on account of it?

And when the gentleman rises in his place in this House as a Representative from the State of Kansas and asserts that he is authorized by one of the Cabinet officers of this Government, the Postmaster-General, to say that he, the Postmaster-General, believes that the killing of young Matthews was a political killing, I might go further and say that neither Mr. Wanamaker, nor the gentleman from Kansas, nor this House, has the right to sit as an appellate court against the only tribunal that could try that issue; and if Mr. Wanamaker so far forgot the high position which he holds as a member of the Cabinet as to express his opinion about a matter so foreign from the office which he holds, I might say further that his judgment is no better than the judgment of the gentleman from Kansas and no more to be relied upon so far as it attempts to make accusation against the people of Mississippi. [Applause on the Democratic side.]

He is undertaking to invade the province of the judicial tribunals of the country; and I call attention to the fact that if we here in the House of Representatives, either by the fiat of a Cabinet officer or by the action of a Representative upon this floor, are to undertake to supersede the criminal judicature in the States and in the counties where offenses are committed, we shall never be done trying in this high court of appeals the various crimes and offenses that occur all over the land.

I should never pretend to call in question the action of any community in any great State whose Representatives sit here because a killing has occurred there which can neither be justified nor palliated nor excused, and which no honest man attempts to justify, palliate, or excuse. And if I did refer to a case in which a jury in any of those great communities had acquitted a man charged with a crime or an offense, would I be justified in bringing that case up here for review before this House, when you can not pass any verdict upon it? You sit here not as a court of appeals, and the gentleman from Kansas ought to recognize that fact.

Now, sir, I insist that there are living at present in the town of Hazelhurst, and have been ever since the elder Matthews was killed, two or three of his sons. They have lived there in peace and in quietude, and they are living there to-day. So that the accusations which the gentleman has made that there was any special hostility against this particular family more than any other is not founded on fact, and there is no excuse for such assertions as the gentleman from Kansas has made here about the people of Mississippi.

The CHAIRMAN. Debate upon this section has been exhausted.

Mr. KELLEY and Mr. WILLIAMS, of Ohio, rose.

Mr. KELLEY. I move to strike out the last two words.

The CHAIRMAN. There are two amendments pending.

Mr. OUTHWAITE. I withdraw the last amendment offered by me, the formal amendment.

Mr. WILLIAMS, of Ohio. I always deplore the recalling on the floor of Congress of the history of the past "unpleasantness." I do not think it ever conduces to the benefit of legislation or the country. But there is one thing in which I do believe, a clear, unvarnished statement of history. A suppression sometimes amounts almost to a misrepresentation. I desire to state briefly and within the record the true situation in Tennessee at the time she voted to separate from the Union. The first vote cast was on the 9th of February, 1861, upon the question of a convention to take into consideration whether Tennessee should separate from the Union, and that proposition, Mr. Chairman, was voted down by 60,000 majority. Now I read from the history of Tennessee:

The masses in the States were loath to dissolve the Union under which they had lived and loved so long, and were, in a great measure, in darkness as to the real issues pending and the real course to pursue. In this bewildering and doubtful maze of governmental relations, wherein a clear head and strong will could direct public action, Isham G. Harris, governor of Tennessee, proved to be the right man in the right place. This was the state of public affairs when the startling news came that Fort Sumter had surrendered and civil war commenced. Immediately succeeding this, while the public pulse was surging and the public brain reeling, came the call of President Lincoln for 75,000 volunteers, and the following telegram for Governor Harris from the War Department:

WAR DEPARTMENT, WASHINGTON, April 15, 1861.

Call made on you by to-night's mail for two regiments of militia for immediate service.

SIMON CAMERON,  
Secretary of War.

To His Excellency ISHAM G. HARRIS,  
Governor of Tennessee.

Mr. ENLOE. From what is the gentleman reading?

Mr. WILLIAMS, of Ohio. From the History of Tennessee.  
 Mr. ENLOE. By whom?  
 Mr. WILLIAMS, of Ohio. It is published by the Goodspeed Publishing Company, of Nashville.  
 Mr. ENLOE. I am glad you told us who published it.  
 Mr. WILLIAMS, of Ohio (reading):

Governor Harris was absent from the city upon the receipt of this dispatch, but upon his return on the 17th he promptly wired the following reply:

"EXECUTIVE DEPARTMENT, NASHVILLE, TENN., April 17, 1861.

"SIR: Your dispatch of the 15th instant, informing me that Tennessee is called upon for two regiments of militia for immediate service, is received. Tennessee will not furnish a single man for purposes of coercion, but fifty thousand, if necessary, for the defense of our rights and those of our Southern brothers.

"ISHAM G. HARRIS,  
 "Governor of Tennessee."

"Hon. SIMON CAMERON,  
 "Secretary of War, Washington, D. C."

On May 6, 1861, an ordinance was passed, and on the 8th of June came the proposition for a declaration of independence. At the same date (and this is the point to which I desire to call the attention) the Legislature passed a military bill providing for an army of 55,000 men, 25,000 to be available at the earliest practical moment.

Now, I wish to read something further—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON obtained the floor.

Mr. WILLIAMS, of Ohio. I ask permission to continue my remarks for a few minutes.

Mr. CANNON. I want to say a few words—

Mr. ENLOE. I would like to be heard on this matter.

Mr. CANNON. I would be glad to have order for just a moment.

The CHAIRMAN. Gentlemen will take their seats and the committee will come to order.

Mr. ENLOE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. I would like to know whether it is not the custom to recognize gentlemen alternately on opposite sides of the question.

The CHAIRMAN. The Chair has been doing that uniformly except that by an oversight two gentlemen were recognized on the right of the Chair, and now the Chair is undertaking to equalize that matter.

Mr. ENLOE. I wanted to find out whether the gentleman from Illinois [Mr. CANNON] is going to speak for or against the amendment.

Mr. CANNON. The gentleman will find out what I am speaking for. I will occupy but a minute or two.

Gentlemen understand that this is the third day that this Military Academy bill has occupied. Now, we gentlemen on this side of the House recognize the fact that we were routed, "horse, foot, and dragoons," in the last election, and you gentlemen on the other side seem to be aware of it also. There is but a short time left for the transaction of the public business of this session. If that business is to be done creditably to either side of the House, the time should be devoted to its discharge, as the doing of it properly may amount to a great many million dollars saved to the Government in intelligent, honest discussion and provision for the public service. The time has come when I think we can well afford to stop discussion, first on one side and then on the other, that sheds no light upon the bill. And I appeal to the gentleman in charge of this bill to proceed, if necessary, to close debate from paragraph to paragraph, and let the bill be finished.

Let this bill be followed by the diplomatic appropriation bill, and then the legislative bill will be ready for consideration, or, for that matter, it is now ready. I think we shall best deserve, those of us who go out and those of us who remain in, the thanks and approval of the public, as well as our own approval, if we pay orderly attention to the public business, it being necessary to do so during the remaining time of this session if that business is to be done creditably, as members of the House would desire to see it done and as it ought to be done. That is all I want to say. [Applause.]

Mr. WILLIAMS, of Ohio. I will occupy only a few moments. I have consumed but little time in this House—

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WILLIAMS, of Ohio. I move to strike out—

Mr. CUTCHEON. I ask for a vote on the pending amendment.

Mr. OUTHWAITE. As several gentlemen have come in since the discussion of the amendment began, I ask that it be again reported.

The Clerk read as follows:

After line 6, page 16, insert:  
 "Reflooring Grant Hall (cadet mess hall), substituting for the board floor therein a white-marble or tile floor, 96 feet long by 45 feet wide, to be immediately available upon the approval of this act, \$3,024."

The question being taken on agreeing to the amendment, there were—ayes 55, noes 65.

Mr. BRECKINRIDGE, of Arkansas. I call for tellers.

Tellers were ordered; and Mr. SPOONER and Mr. BRECKINRIDGE, of Arkansas, were appointed.

The committee again divided; and the tellers reported—ayes 57, noes 76.

So the amendment was rejected.

The Clerk read as follows:

For waterworks: Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers, and for repairs of siphon house, filter house, and of 41 miles of supply pipes; for shed for tools and storage of fuel for keeper at Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and stairs for access to same, \$500.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I move to strike out the last word. At the time that the distinguished friends of economy made it a test question on this floor whether they would furnish the cadet hall at West Point with a marble floor instead of a good old-fashioned oak floor, such as we have now, I was very willing to yield to their request.

Mr. OUTHWAITE. It is impossible to hear what the gentleman is saying.

Mr. WILLIAMS, of Ohio. I was almost through, but I say in the interest of economy, as displayed by my friends on the other side, I was very willing to yield on that point, especially as they wanted to make a marble floor in the cadet mess hall at West Point instead of a good old-fashioned oak floor, which we think good enough for the men to be educated as soldiers.

Mr. OUTHWAITE. Oh, no; not marble. I inserted "tile floor," of American make.

Mr. WILLIAMS, of Ohio. I understood the amendment.

But, Mr. Chairman, I have shown that before the last vote given on June 8, 1861, in the State of Tennessee, that State was an organized camp; that on the very same day that the Legislature passed the act submitting to the people the question of secession they also passed a military act calling for 55,000 men. I desire further to read, to show you the determination of the governor of Tennessee at that time to force Tennessee, the old volunteer State, into the ranks of the seceding States, another little item of history from a book evidently written by a historian who wrote in the spirit of a friend of the South, a Southern sympathizer. He says:

The only opposition encountered was in East Tennessee, but the governor, as commander-in-chief of the provisional army, determined to occupy that portion of the State immediately with troops, in the hope of subjecting it to the Confederate cause.

I admit that my friend from Tennessee stated the truth when he said that on June 8 Tennessee went out by a vote of the people. But she went out by the vote of the people with the 55,000 troops at the back of the governor to force the people into secession.

Now, my friends perhaps may draw a lesson from that, for I believe that is the history of almost every Southern State that went into disunion. They may draw this kind of a lesson: They talk long and loudly about soldiers at the polls, about bayonets, and about the elections bill in the interest of an honest ballot and a fair count, but they had no hesitation to call for soldiers, they had no hesitation in coercing the people in Tennessee and forcing them to enter into a rebellion, the most causeless that the history of the world records.

Now, Mr. Chairman, I believe my friend from Iowa, in a measure, was right when he said that no State of its own free will in the South, by the vote of the people, seceded from the Union. That is all I desired to say on the subject. I have no desire, sir, to make such comments as will stir up animosity on the other side of the Chamber. But what I have stated is the recorded history of Tennessee, the history of the act of secession which I believe to be true.

[Here the hammer fell.]

Mr. ENLOE. Mr. Chairman, I am very glad to see that the gentleman from Ohio, who is a member of the committee that reported this bill, understands its provisions as thoroughly as he does, and that he shares in the same great anxiety that the chairman of the Committee on Appropriations has expressed, that we should expedite the public business. And I want to congratulate the gentleman from Ohio also on his knowledge of the history of Tennessee.

He was at one time a resident of our State and a member of our State Legislature in the days of reconstruction, at a time when there were very few gentlemen who came out of the Legislature with any credit to themselves. [Laughter.] But I want to say that I believe the gentleman from Ohio did acquit himself creditably as a member of the Legislature, and I have no hesitation in saying that this is a great compliment to him. But he has been away from the State for so long a time that he does not know anything about our history.

Goodspeed's History of Tennessee is a subject of ridicule in that State amongst all of the people who know anything about it. This alleged history was published by a company organized or known as the Goodspeed Company—

Mr. WILLIAMS, of Ohio. Do you dispute the facts that I have recited from that history?

Mr. ENLOE. You wait until I get through with your history first, and I will take up the facts later on.

The gentleman says the Goodspeed Company produced a history of Tennessee written in sympathy with the South. The fact of the matter is that these gentlemen came from a Northern State, Indiana I believe was their home, and they came to my town and to Nashville, and to all of the prominent towns in the State, and entered into a con-

tract to write a history of Tennessee which was to be local in its character. I went over to see which edition it was that the gentleman had and which he quoted. He did not have the edition which was published in my town, because that edition contained a biographical sketch of myself, the publication of which cost me just \$10. [Laughter.]

A MEMBER. Did it have your likeness?

Mr. ENLOE. Mr. Chairman, I was not the only victim, let me say; for I have no doubt that if I had time to examine the copy the gentleman read from I would find a biographical sketch of my friend here in front of me [Mr. WASHINGTON] if that edition happens to have been published in Nashville. [Laughter.]

A MEMBER. Is your history all right?

Mr. ENLOE. That is the only opportunity I have had to get into history; but I am not willing to get there again at the same price, unless it is a better history than that. [Laughter.]

These gentlemen came to Tennessee and wrote this history under contract. We understood when we subscribed for it that it was to be a local history, giving the story of the development of each county and town, and was to be transmitted to our posterity to enable them to make the history of the future trustworthy.

It proved to be a fraud. When they came into my town to collect the money, I acted with due caution about it, I think, because I acknowledged that I had been sold and paid my \$10 but some of my neighbors refused to pay the \$10, and when the publishers brought suit they failed to collect anything in the courts, because they had practiced a fraud on the community. Now, the gentleman ought to go to some other history of Tennessee. There is one, the earliest published, called Ramsay's Annals of Tennessee. There is a later one, which I think is a good history, by my distinguished colleague from the Tenth district [Mr. PHELAN].

Now, if that history had stated these facts, I would rely upon the history of my State. The gentleman may state some facts. He may draw some false conclusions from the facts; but he is unfortunate in his selection of the history of Tennessee, which he reads to this House. I hope the gentleman from Ohio, now that I have enlightened him upon what I know about this bill, will tell us what he knows about it.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I desire to state that I examined the history written by the distinguished colleague of my friend [Mr. PHELAN] and it does not touch upon the question I referred to. The gentleman can refer back to Ramsay's Annals of Tennessee, which treats of the early and glorious history of Tennessee, and does not relate to the later and unfortunate, and, from a Union standpoint, disgraceful history of the old "volunteer State." And, Mr. Chairman, although I have not had time to look to see who was the author of that portion of Goodspeed's History of Tennessee, I will venture to say it was written by a Southern sympathizer. I say, Mr. Chairman, that the matters there stated are matters that the gentleman has not denied, and he can not cast a slur over the statements of that history unless he denies the facts that are stated therein. Furthermore, the only matter of unreliability that I find in the matter of the history, as he describes it, is the \$10 worth of unreliability in which he wrote the history of himself and paid \$10 to have it inserted therein.

Mr. ENLOE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state that debate upon the pending amendment is exhausted.

Mr. SPOONER. I ask unanimous consent that debate on this paragraph may be considered closed.

Mr. ENLOE. Mr. Chairman, I only ask the gentleman to yield three minutes.

Mr. SPOONER. I hope the gentleman will be very brief.

Mr. ENLOE. I will be very brief. It is not necessary that I should be very elaborate, because I listened for some time to see what point there was in the gentleman's argument. If there has been any manifest purpose in what he has said to this House, except a desire which seems to be lingering in the hearts of a few unfortunate gentlemen on this floor to go back and dig up ancient history and undertake to stir up bad blood in these latter days when we all want peace, I can not see what his motive is. He does not want to try the distinguished Senator from Tennessee [Mr. HARRIS] for his acts at that time. The people of Tennessee have passed upon those acts time and again.

Mr. WILLIAMS, of Ohio. I desire to say this to the gentleman from Tennessee, that if he had been present when his colleague [Mr. RICHARDSON] spoke he would understand why I made the remark I did.

Mr. ENLOE. I did not understand what the gentleman's object was and I do not care anything about what his object may have been. I want to say that to collaterally attack a gentleman in this way does not seem to me to promote any public end. The distinguished gentleman to whom he refers as the governor of Tennessee at that time, and whom he charges with having violated the rights of the people, has had that question passed upon by those very people at the polls time and again, and they have declared that he executed their will. If it had not been so he would not have been three times successively elected to the Senate of the United States. He has been tried often, and always found to be a patriotic citizen.

Whatever error he may have committed at the time—and the gen-

tleman no doubt thinks he was in error—that is not a question to be settled to-day, for it has been settled long ago. There is a warning in the fate of the gentleman from Kansas [Mr. KELLEY] which the gentleman from Ohio [Mr. WILLIAMS] might well appropriate to himself. The people of Kansas have entered their judgment, I believe, that they do not need his services any longer; and, if the gentleman from Ohio does not cut loose from the dead past of twenty-five years ago and bring himself up abreast of these times, the people of Ohio will decide that they do not need him here, and will send a younger man in his place, and I hope a better one, although that of course would be a little hard to do, in his own party. The masses of the people of this country are sick and tired of dead issues, and politicians who are wedded to the dead past will be, as they ought to be, buried with it.

The Clerk read as follows:

For water works; Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at the same; tools, implements, and materials for use of the two keepers, and for repairs of siphon house, filter house, and of 4 miles of supply pipes; for shed for tools and storage of fuel for keeper at Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and stairs for access to same, \$500.

For broken stone and gravel for roads, \$2,000.

Mr. OUTHWAITE. I wish to offer an amendment.

Mr. BRECKINRIDGE, of Arkansas. I have an amendment here to offer to the paragraph that we have just been considering.

Mr. OUTHWAITE. My amendment is to a paragraph ahead of that and I will withhold it.

The CHAIRMAN. The amendment should be to the paragraph just read.

Mr. BRECKINRIDGE, of Arkansas. But I rose to offer my amendment in time. I wish to change the amount according to the recommendations of the official in charge of this work.

The CHAIRMAN. Did the gentleman rise before the reading began?

Mr. BRECKINRIDGE, of Arkansas. I rose instantly.

The CHAIRMAN. The amendment will be reported.

The Clerk read as follows:

On page 16, line 17, after the word "hundred," add the words "and twenty;" so that it will read "\$520."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this paragraph relates to a very considerable amount of work at West Point:

Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers, and for repairs of siphon house, filter house, and of 4 miles of supply pipes; for shed for tools and storage of fuel for keeper at Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and stairs for access to same, \$500.

Now, the amount recommended—and I ask the attention of the gentleman in charge of the bill to what I have to say—was \$520, and \$20 have been stricken off. There is very little here accomplished in the way of economy in a matter of as much minutia as this, and it is fair to presume that those in charge of this public property considered that every cent of that very small recommendation was necessary for this very extensive part of the property. Therefore, we ought to have some very good reason for striking off this \$20, which, though small in amount, may be exceedingly necessary for the purpose for which it is intended; and I ask the gentleman to state to us why it is that he does not comply with the recommendation of the officers in charge there.

Will the gentleman from Rhode Island kindly give me his attention? The gentleman thinks we are going to have irrelevant discussion; but I wish to ask him why the amount recommended is not given, why this change is made, and why this additional \$20 is not given, at the cost of public necessity.

Mr. SPOONER. I will state to the gentleman why the appropriation has been made. That recommendation has been made from year to year, and the committee were of opinion that when such a recommendation was made year by year they could reduce it by this small amount of \$20. They thought that where the estimates are continued in the same channel and the same appropriation made for the same objects, sometimes it became excessive, and therefore reduced it.

Mr. BRECKINRIDGE, of Arkansas. Now, it is evident—

Mr. SPOONER. There is no special reason that implies the necessity for this particular fund recommended. As the gentleman can see, it covers a large number of items—

Mr. BRECKINRIDGE, of Arkansas. Of course it does.

Mr. SPOONER. In a gross sum.

Mr. BRECKINRIDGE, of Arkansas. And yet it is an exceedingly small amount. Now, it is very evident, Mr. Chairman, that no evidence has been taken in this connection. This paragraph covers a large number of items—a large amount of property—yet they are begrudged the small sum of \$20. Now, that has been stricken out, and the committee comes in with a provision that only \$500 was required, and it comes in apparently upon the ground that it preferred a round number. I do not believe that the careful estimates of these officials dealing with all these details should be called in question. We have every reason to believe from the painstaking reputation and the prudence of these officers that they have not asked for anything more than

is necessary for the public interest. I hope, therefore, that the amendment to incorporate this \$20 will be adopted by the House of Representatives.

The question was taken on the adoption of the amendment, and the Chairman announced that the yeas seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, yeas 70.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

On page 16, between lines 18 and 19, insert the following:

"For placing plumbing in the water-closet used by the male employes of the mess, \$467."

Mr. OUTHWAITE. Mr. Chairman, if the committee were just a little bit more quiet I would be glad to be heard.

The CHAIRMAN. The gentleman's point of order is well taken. The committee will please be in order and gentlemen will resume their seats and cease conversation on the floor.

Mr. SPOONER. Mr. Chairman, I would ask permission to say here to the gentleman from Ohio—

Mr. OUTHWAITE. If it is not to be taken out of my time.

Mr. SPOONER. I will go on in my own time.

Mr. OUTHWAITE. Very well.

Mr. SPOONER. I simply want to say to the gentleman that he misapprehends the estimates. In the Book of Estimates appear a number of separate items regarding this matter of plumbing and sewerage. While the committee have reported a gross amount less than the total amount estimated, as stated in the report of the committee, yet we believe the amount sufficient for that purpose, as explained in the remarks I made in the general debate.

Mr. OUTHWAITE. I recollect that. Now, Mr. Chairman, that explanation does not satisfy me and ought not to satisfy this committee. Where the gentlemen who have this business in charge have estimated for \$28,700 for general matters of plumbing, this committee has come in with an appropriation for only \$15,000, and that does not include this item to which I have called the attention of the committee. That ought to have a separate appropriation, a separate paragraph you might say. Now, I trust that gentlemen in the committee will consider this amendment seriously, and not think that it is a luxury, such as marble or tile floors, against which there was some objection. Let me read to the committee what is said by the officer in charge as to the necessity for this particular appropriation at this time. I read from a note to the estimates on page 178:

The employes of the cadet mess are huddled together in a manner conducive neither to health nor cleanliness, and the expenditures above indicated are in my opinion absolutely necessary.

This is signed by Capt. William F. Spurgin, quartermaster and commander of cadets.

Captain Spurgin says, the committee will observe, that these expenditures are in his opinion absolutely necessary. Now, the Military Committee, that has not visited this place and has had no opportunity of observing whether they are absolutely necessary or not, has omitted this item. It is not included in the amount to which the chairman refers, and it is not in the bill anywhere. Therefore I insist that it is our duty at this time to make this amendment, and especially do I insist to gentlemen upon this side of the House because the necessity for the improvement is so patent that we shall certainly be called upon to make an appropriation in the next Congress if it is not made now.

It is not a great matter; it is but a few hundred dollars; but it is by omitting a few hundred dollars here and a few hundred dollars there and a few hundred dollars somewhere else that gentlemen upon the other side propose to make a show of economy. I trust that no gentleman upon the other side will interject into the discussion of this amendment any politics, as the gentleman from Kansas did awhile ago on a preceding one, to distract attention from the amendment which I have offered in good faith and which I desire the committee to pass.

The question was taken on the amendment of Mr. OUTHWAITE; and the Chairman declared that the yeas seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The committee divided; and there were—ayes 47, yeas 76.

So the amendment was rejected.

The Clerk read as follows:

For repairs of present quarters married enlisted men, \$5,000.

Mr. OUTHWAITE. I move to strike out the word "five" and insert the word "ten." I do that, finding in the Book of Estimates, page 178, an estimate for "repairs of present quarters for married enlisted men, \$10,000," with this note.

This estimate is based upon an inspection by a board of officers who have reported, as a sanitary necessity, the repair of these quarters an economy to the Government.

Now, I have not heard from the chairman of the committee or from the gentleman who has this bill in charge that this amount is included in any other gross sum, and I do not believe it is. I observe in one of the appropriations here a provision for "two sets of officers' quarters to be immediately available, \$20,000." That is to say, this committee

has acceded immediately to the request for an appropriation for two sets of officers' quarters, at a cost of \$20,000, but when the estimate is sent in here for \$10,000 for quarters for the married enlisted men, it is cut down to \$5,000.

Now, there may be some good reason for this. I believe it is proper that the officers' quarters should be in accord with the standing and rank of the officers in the academy, but why the repairs for the present quarters of the married enlisted men, men who are permitted to have their families there and who are there with their families, why they should be stinted in this way, and provision made for but one-half the amount asked for, and only one-quarter the amount which is to be appropriated for the quarters of two officers, I do not understand.

I insist, Mr. Chairman, that this is a proper amendment, a prudent amendment, and, in the language of the board of officers who inspected the quarters, "a sanitary necessity," and "an economy to the Government." This being so, I hope the gentleman having the bill in charge will permit it to be modified on this point in accordance with the estimate.

Mr. SPOONER. Mr. Chairman, I am very glad the gentleman is so largely in sympathy with the projects proposed to be expedited by this bill; but I think that if he had read the bill and considered the subject more carefully, he might have come to the same conclusion with the committee. The fact of the matter is that this appropriation is for repairs of old quarters, which are being gradually replaced by new quarters, for the married enlisted men, and the committee did not think it desirable to make any very large expenditure in that direction, and they did think the appropriation which they proposed for that purpose, \$5,000, would prove to be reasonable and proper. Then, in the second paragraph following this, the gentleman will find that the committee have provided for "twenty sets of new quarters for enlisted men and their families, to be built in sets of twos, each set to contain four rooms, \$24,000."

Mr. OUTHWAITE. In this matter you have cut down the estimate \$6,000. Now, I shall be perfectly satisfied if you will either increase the appropriation for the new set of buildings up to the amount estimated, \$30,000, instead of \$24,000 as proposed in the bill, or if you will make this appropriation for repairs, because by means of repair houses can often be made almost as good as new.

Mr. SPOONER. The gentleman finds a good deal of fault with us on one line, and other gentlemen on another. The committee have tried to stand upon consistent and reasonable ground. The estimate of \$30,000 reported in the Book of Estimates was upon examination by the committee, as will be explained in a moment by its chairman [Mr. CUTCHEON], found to be unnecessarily large, and the appropriation of \$24,000 has been recommended for reasons which that gentleman will now state.

Mr. CUTCHEON. It was my fortune to be a member of the Board of Visitors to the Military Academy last summer and to spend two weeks there. As chairman of the subcommittee on buildings and grounds I visited and inspected every building at the post, including these quarters of enlisted men. They are situated in a very unsanitary location, down under the bluff, near tide water, almost entirely shut out from the light and from the breezes of heaven. The purpose of everybody connected with the post is to remove these quarters as rapidly as possible from the present low, unsanitary location to a higher and better one.

Therefore, instead of spending \$10,000 upon repairs of these old wooden shanties, which ought to be torn down—my friend from New York [Mr. FITCH], who has been upon the Board of Visitors, knows whereof I speak—we thought we would recommend an appropriation of \$24,000 for building new quarters in a sanitary situation, upon high ground, and expend \$5,000 in making these old quarters habitable while the new are being erected. We appropriated \$24,000 last year for new quarters for enlisted men; we propose an appropriation of the same amount this year, and I hope that the House next year will appropriate \$24,000 more, until the last of these old wooden shanties down under the hills shall have been torn down and removed.

Mr. FITCH. I agree fully in what the chairman of the Military Committee [Mr. CUTCHEON] has said as to the present quarters being in a very undesirable spot. Instead of appropriating \$5,000 to repair those buildings, I think the full amount of \$30,000 as recommended should be expended in erecting new ones. I disagree entirely with my friend from Ohio [Mr. OUTHWAITE] when he says that \$10,000 should be expended in repairing the present quarters. Not a dollar should be expended in the hole where those quarters are located—

Mr. CUTCHEON. Except so far as necessary to make them habitable.

Mr. FITCH. But I agree fully with the gentleman from Ohio when he says that the whole amount recommended, \$30,000, should be expended in the erection of new quarters. I can not understand why this committee should desire to economize in the way here proposed. This military school is an institution of which every American may well be proud. It gave to this country the man who is most respected upon the other side in this generation and the man who on this side has the devotion of the men who knew him. We should be generous with this school.

Why the committee should recommend the cutting down of the estimates, where the full amount recommended is required for the comfort and the sanitary condition of this national military school, is something which I for one can not understand. Nobody on either side of the House has asked such action from the committee. We are ready to vote whatever amount of money may be necessary for the care and preservation of this spot, which is classic American ground, and for the comfort of the young men to whom the reputation and the safety of this country may some day be committed.

The question being taken on the amendment of Mr. OUTHWAITE, it was rejected.

The Clerk read as follows:

For two sets of officers' quarters, to be immediately available, \$20,000.

Mr. SPOONER. I move to amend by inserting after the word "two," in the clause just read, the words "or more;" so as to read, "two or more sets of officers' quarters."

The amendment was agreed to.

The Clerk read as follows:

For twenty sets of quarters for enlisted men and their families, to be built in sets of twos, of brick, each set to contain four rooms, \$24,000.

Mr. OUTHWAITE. I move to amend the clause just read by striking out the word "twenty-four" and inserting "thirty," so as to make the amount of this appropriation \$30,000. I confess that until I heard the explanation of gentlemen upon this and the other side who have visited West Point, I was inclined to rely thoroughly upon the estimate sent here in the letter of the gentleman in command, and the estimates made by the board of officers who have reported as to the sanitary necessities of the institution. But as to the buildings proposed in the pending paragraph I have my doubts whether \$24,000 will erect them as they should be erected.

Mr. CUTCHEON. This is based upon the experience with those buildings which were erected last year.

Mr. OUTHWAITE. A note which appears in the Book of Estimates in connection with this item is worthy of attention. It is as follows:

NOTE.—I deem the erection of new buildings absolutely necessary, in view of the condition of many of the old, dilapidated buildings now used as quarters for enlisted men.

Last year twenty sets of quarters were called for, of which number only ten sets were allowed. The increase this year is made with a view of carrying out the recommendations of a board of officers, who reported the destruction of several of the old quarters a sanitary necessity. Besides this, experience has shown that if quarters were provided for the many married soldiers now living in the adjacent village they would be more contented, continue to enlist, and render better service.

A larger sum is requested for the erection of these quarters than was called for in last year's estimate, owing to the fact that the lowest bid received in response to advertisements in the daily papers was \$1,500 for the erection of each set of quarters, which sum is thought reasonable for constructing the quarters in accordance with the plans approved by a board of officers consisting of one professor of the academy, and one officer each of the Quartermaster and Medical Departments of the Army.—*Capt. Chas. W. Williams, acting quartermaster, United States Army.*

I do not know what can be said in opposition to such a proposition as this. In the first place these quarters are stated to be necessary because of the dilapidated and unhealthy condition of the old quarters. That is conceded, I believe, by the chairman of the committee.

Next, as he stated a little while ago, this proposes to erect these new quarters on a portion of the ground which is better suited for them and will be more healthful; and then we have the estimate that each of them costs \$1,500, and if we erect twenty sets of them they will cost \$30,000 instead of \$24,000. Then we have the proposition, coming from those in charge and best acquainted with the subject, that it will contribute to the future contentment and good service of the enlisted married men living there.

[Here the hammer fell.]

Mr. SPOONER. I simply want to say that my friend from Ohio represents the excessively liberal sentiment in this connection. There is another sentiment which we have to consult, and that is the economical side. We have tried to hold the scales of justice, if I may so express it, in this matter as evenly as possible between these two sides. If the gentleman from Ohio had consulted the report of the Board of Visitors for last year, he would have found on page 9 of the report the letter of Colonel Wilson, superintendent of the Academy, to the Board of Visitors, in which, among other necessary matters that he calls to their attention, is the matter of twenty sets of new quarters for enlisted men, for the construction of which he states the sum of \$24,000 will be required, being the same appropriation that was allowed for the construction of the ten officers' quarters provided by the preceding bill. I do not suppose that any one of us desires to appropriate what is unnecessary. I certainly do desire, and I think the committee does, to appropriate what is reasonable and necessary. I ask a vote on the amendment.

The amendment was rejected.

The Clerk read as follows:

For enlarging the storehouse and workshop of the cadet quartermaster's department, \$10,666.70.

Mr. BRECKINRIDGE, of Arkansas. I would like the permission of the committee to ask the gentleman from Rhode Island in charge of this bill a question in regard to a point which we have just passed,

In line 14 the gentleman offered an amendment, which was adopted by the committee, making the two sets of officers' quarters there provided "two sets or more." I would like to ask what were the reasons in that case for making this provision.

Mr. SPOONER. The reason for the amendment?

Mr. BRECKINRIDGE, of Arkansas. Yes.

Mr. SPOONER. That matter has been passed upon by the committee—

Mr. BRECKINRIDGE, of Arkansas. I am aware of that and have so stated.

Mr. SPOONER. But I will answer the gentleman's question with pleasure. The object was, as has been suggested by the superintendent of the Academy, that he thought with that appropriation he could put up more, perhaps, than two sets of officers' quarters on the ground.

Mr. OUTHWAITE. That he might be able to build two or, possibly, more.

Mr. SPOONER. That he might be able to increase the number with the appropriation.

Mr. BRECKINRIDGE, of Arkansas. That is to say, that with the sum of \$20,000 he might put up more quarters?

Mr. SPOONER. Yes; and therefore it was the opinion of the committee that it might be proper to allow some leeway in that provision of the bill, so that if more could be erected for the appropriation it might be done and the institution would get the benefit of the increase. Since the passage of the McKinley bill, you know, all kinds of material have lowered very largely in price.

Mr. BRECKINRIDGE, of Arkansas. Do I understand the gentleman to say that since the passage of the McKinley bill wages have been so much reduced that they would be able with this appropriation to put up more quarters?

Mr. SPOONER. No, not wages, but products. But I think we had better not discuss that.

Mr. BRECKINRIDGE, of Arkansas. I think it is a matter that goes directly to the construction of these buildings and the consideration of its effect is eminently proper in this connection. Now, we know that neither the gentleman nor any member on that side of the House proposed to vote for that bill for the purpose, at least at this early day, of reducing the price of the articles which are protected. Therefore, in view of the unanimous recommendation that these gentlemen made in regard to that bill, in view of the unbroken provisions they made in regard to the effect of the legislation and their prophecies, the only reduction that the gentleman can possibly allude to at this time must be the reduction of the wages of the workingmen.

Mr. FLOWER. The gentleman's prophecies were as reliable as a gas meter. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. But I do not care to be led off on this generally extraneous subject which the gentleman introduced.

Now, the gentleman states, as I understand, that this amendment is recommended by the officers in charge, as a necessary enlargement of the power conferred upon them in the appropriation.

Mr. SPOONER. The matter of inserting the words "or more."

Mr. BRECKINRIDGE, of Arkansas. Yes, the matter covered by the amendment.

Mr. SPOONER. It was.

Mr. BRECKINRIDGE, of Arkansas. And I think the gentleman spoke of economy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out next to the last word, in order to complete what I have to say.

The gentleman spoke of economy only a short while ago in reference to this matter, and the gentleman from Michigan [Mr. CUTCHEON] alluded to the floor in the dining hall as one that could be provided for in the next Congress, if I mistake not. Now, I am not any more of an advocate for doing unnecessary things than I am for having necessary things unprovided for at any time; and therefore it seems to me that the gentleman perhaps, in vaguely allowing a larger number of quarters than was provided in the bill, might be opening a way for authorized expenditures and they will call on the next Congress for an unlimited amount of money; and I would like to ask the gentleman whether or not he considers that the officials there would be authorized, under this amendment, to inaugurate expenditures beyond the amount fixed by the committee here, that is to say, the sum of \$20,000.

Mr. SPOONER. That amendment has already been adopted by the House.

Mr. BRECKINRIDGE, of Arkansas. That I stated; but I am talking in proper time about the general policy as to this bill, and that is not a sufficient answer to the question. We might go back to it if the committee had been inadvertently led to authorize expenditures further than intended in the bill. And I think if the House understood that the gentleman who now evades a direct answer to the question has led the House into expenditures not urged as being necessary and in excess of the amount appropriated here in the bill, the House by its majority at least would undoubtedly be in favor of going back to it and righting an error of that character.

Mr. SPOONER. It is very difficult for me to understand all the

gentleman says. As I understand his inquiry, it is whether the matter of the insertion of the words "or more" would increase the amount of the appropriation or the cost of the quarters.

Mr. BRECKINRIDGE, of Arkansas. Or commit us to a larger expenditure than \$20,000. Suppose they should put in a dozen officers' quarters. There is no restriction here.

Mr. SPOONER. The gentleman is mistaken. It was simply a suggestion of Colonel Wilson that he thought with that appropriation he could probably cover in three sets of officers' quarters, instead of two, under one roof.

Mr. BRECKINRIDGE, of Arkansas. Exactly, and yet the gentleman—

Mr. SPOONER. With that idea the appropriation was extended, or the amendment was proposed, giving that extension.

Mr. BRECKINRIDGE, of Arkansas. And yet the gentleman has given unlimited power of extension, with no limitation at all upon the expenditure.

Mr. CUTCHEON. Oh, no. If my friend will allow me, in a personal letter received from Colonel Wilson he says:

Would it be possible for you to interpolate in line 14, page 17 of the Military Academy bill, the words "or more" after the word "two," so that it would read "for two or more sets of officers' quarters?"

I feel satisfied that by making one structure I can place three very nice sets of quarters under one roof, each set as separate and independent as a small city house in a row of buildings, each to have its front door, hall, etc.

And this is simply according to that suggestion.

Mr. CHEADLE. I move to strike out the last word. I ask for information of the gentleman in charge of this bill what is the grade of the officers who are to occupy these quarters?

Mr. SPOONER. They are among the officers provided by law.

Mr. CHEADLE. What is the rank of the officers who are to occupy these quarters? Because, Mr. Chairman, in order that the gentleman may be able to answer the question, I will say that I want to enter my protest if these quarters are to be occupied by lieutenants and captains. I want to enter my protest against expending \$10,000 or \$7,000 for the construction of quarters for an officer of that grade.

Mr. FITCH. Will the gentleman yield for a question?

Mr. CHEADLE. Yes, sir.

Mr. FITCH. What do you think a proper house for a captain or a colonel in the United States can be built for at West Point?

Mr. CHEADLE. I want to say to the gentleman that a man whose salary is no larger than that of a captain in the regular Army can not maintain an establishment the construction of the building alone for which is to cost \$10,000, and it is unwise legislation to appropriate any greater sum than is required. I think I am stating the truth when I say that the \$20,000 included in this item is quite enough to build four houses, and the more especially so where that number are to be built at once.

Mr. SPINOLA. May I ask my friend, is that a matter of personal experience?

Mr. CHEADLE. It is a matter of experience; it must be a matter of experience to every man who is as old as the gentleman from New York.

Mr. FITCH. What is your objection to an officer of the Army living like a gentleman?

Mr. CHEADLE. Nothing; I hold that it is wrong to compel him to maintain a larger home than is necessary.

Mr. HOOKER. Will the gentleman from Indiana yield for a question?

Mr. CHEADLE. Yes, I will.

Mr. HOOKER. And if he can not answer it I will yield to the gentleman who has the bill in charge. Inasmuch as the McKinley bill has cheapened articles so much, can he not reduce the appropriation for this item in this bill?

Mr. CHEADLE. I am in favor of a proper and legitimate appropriation for the construction of ample and sufficient quarters for the officers of the Army. I would not if I could withhold a single penny from any proper appropriation; but as a representative of the people who have to pay for these buildings I want to enter my protest against building a \$10,000 house to be occupied by a lieutenant or a captain in the regular Army. It is wrong, radically wrong, and imposes upon them an unnecessary burden. The experience of this House and the experience of the last Congress in being called upon to grant pensions to the widows of these officers has brought out the universal testimony in every case that they are left without anything at all by reason of the fact that we compel them to maintain establishments which are beyond their means.

Mr. SPINOLA. I wish to ask the gentleman from Indiana if a good farmhouse could not be built for \$1,500?

Mr. CHEADLE. A good enough house could be built there for \$4,000.

Mr. STEWART, of Vermont. They do not build farmhouses at West Point. I would like to inquire if there is any amendment pending. I do not understand there is.

The CHAIRMAN. The Chair will state that gentlemen have been discussing a paragraph which was voted upon and passed. The pend-

ing paragraph is one ending on page 17, line 21, and no amendment is pending. The gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. I am discussing the other side of the amendment offered by the gentleman from Indiana.

The CHAIRMAN. There is no amendment pending.

Mr. BRECKINRIDGE, of Arkansas. Then I renew the amendment.

I want to say a word in regard to the letter produced by the gentleman from Michigan [Mr. CUTCHEON]. I have no doubt at all, from the character of the Superintendent at West Point, that the expenditure will be restricted to the limit provided by the bill; but the gentleman from Rhode Island [Mr. SPOONER] must recognize, I think, that while that is the usual form of suggestion that is made by officers as to a proposition they want incorporated in the bill, yet if incorporated it is followed up by a provision which usually accompanies such an introduction. For instance, it does not state "for two or more quarters," "not to exceed" a certain number; nor is there a proviso that the total expenditure for this particular purpose "shall not exceed the amount herein provided for."

It is a very loose form of legislation. It is unusual in Congress, and I regret we have passed it so that it can not be provided with the customary safeguards, involving, as it does, unusual and unreliable methods in making appropriations. I have desired to emphasize this matter to the House and to bring out the amount as construed by the gentleman in charge of the bill, and I am glad also that it is brought out by this statement of the gentleman from Michigan.

The Clerk read as follows:

For painting and repairing the exterior and interior of the present building occupied by the cadet quartermaster's department, painting roof, replacing leaders to same, and for incidental repairs, \$637.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out the last word, and I do it for the purpose of making an inquiry of the gentleman in charge of the bill. The next clause is for—

Galleries and repairs, riding hall, \$2,000.

Mr. SPOONER. That has not been read.

Mr. OUTHWAITE. I know it has not been read; but I want to make an inquiry now because it will decide me as to whether I shall offer an amendment at this point. Now, I find in the Book of Estimates—

Heating riding hall and stables, including building for apparatus, \$15,000.

Is that item included anywhere in the bill?

Mr. CUTCHEON. No, sir; it is not.

Mr. OUTHWAITE. Is there anything in the bill in lieu of that item or is it simply ignored?

Mr. CUTCHEON. There is nothing for that item.

Mr. OUTHWAITE. Then I wish to offer an amendment at this point, which I wish to read, as follows:

For heating riding hall and stables, including building for apparatus, \$15,000, or so much thereof as may be necessary.

The CHAIRMAN. The Clerk will first report the paragraph to which the gentleman's amendment applies.

The Clerk read as follows:

For galleries and repairs, riding hall, \$2,000.

Mr. OUTHWAITE. Now, my amendment is:

Heating riding hall and stables, including building for apparatus, \$15,000, or so much thereof as may be necessary.

I offer it because the estimates, on page 179, contain that item, and the chairman of the committee says that in no place in the bill has it been inserted or included; that it is not included, as I understand him, in whole or in part, in any other appropriation within the bill.

Now, Mr. Chairman, besides attempting to secure these necessary appropriations I have another object. I wish to show to this committee that the Committee on Military Affairs, in the name of false economy, are neglecting to provide for expenditures which are necessary for the Government; that they are neglecting to do their duty at this time, and are doing so upon the sole idea that the next Congress will do its duty and make the appropriation which it neglects and omits to make. The note following this suggested appropriation in the Book of Estimates is as follows:

The riding hall for cadets and the cavalry stables occupy a very exposed position along the bank of the Hudson, and during the winter months are exposed to severe mountain storms, whereby cadets, officers, and horses suffer greatly. All mounted exercises in the riding hall are attended with danger to life and limb through the tanbark covering of the floor becoming frozen. Various serious accidents have occurred to the cadets by reason of the horses slipping and falling when moving at a gait faster than a trot. During the winter of 1888-'89—

The CHAIRMAN. The time of the gentleman has expired.

Mr. OUTHWAITE. Mr. Chairman, I ask permission to finish the reading of this note, which is pertinent to the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio will be permitted to proceed.

Mr. OUTHWAITE. I ask permission to proceed for three minutes.

Mr. BIGGS. If I can be recognized I will yield the gentleman my time. I intended to speak on the matter.

Mr. OUTHWAITE. I ask members of this House and of this com-

mittee to give attention to this amendment and the reasons given here for its necessity:

During the winter of 1888-'89 one cadet had his leg broken at or near the hip joint. Under these circumstances the granting of this appropriation is respectfully urged upon Congress. It is thought that by heating the riding hall and the stables the comfort and safety of men and animals will be assured.

Mr. CUTCHEON. Who signs that—Captain Dorst?

Mr. OUTHWAITE. It is signed by Capt. Charles W. Williams, acting adjutant general, United States Army.

Now, look at that proposition. That it is necessary for the health of the officers, of the cadets, and the horses that this appropriation should be made. I have added the expression: "So much as may be necessary," in order that the whole amount may not be used unless it is necessary to provide the necessary heating apparatus and the building for the same; so that the young men who are sent there to be educated may not be subjected to unnecessary danger to life and limb in the practice they are required to do, and so that they may not be exposed to the rigors of that climate in midwinter. I trust that the committee will give this amendment serious consideration and place in the bill an appropriation which is necessary, and which will of course be sent back here to the next Congress unless it is disposed of as it should be.

The question was taken on the amendment; and the Chairman declared that the noes seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The committee divided; and there were—ayes 56, noes 63.

Mr. OUTHWAITE. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. OUTHWAITE and Mr. SPOONER.

The committee again divided; and the tellers reported—ayes 61, noes 70.

So the amendment was rejected.

The Clerk read as follows:

For necessary repairs of, and for improving the plumbing and sewerage systems at West Point, N. Y., and putting the same in a sanitary condition, \$15,000, to be expended under the joint direction of the superintendent, the surgeon, and the quartermaster of the Academy.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I desire to offer an amendment to come in on page 18, line 5, striking out the words "fifteen thousand dollars" and inserting in lieu thereof "\$35,698.76."

Mr. Chairman, this is in accordance with the recommendations that have been made for an appropriation for this purpose. This is the most important single item in the bill. If gentlemen will turn to the first page of the report of the committee they will find the statement that—

The building of some new sewers is, or will be, necessary, and repairs are required upon the old sewers in order to render them efficient and sanitary. The plumbing generally is of an unsanitary character, with fixtures unsuitable for use; the water closets of an obsolete pattern, without ventilation, and the soil pipes of lead and in many cases leaky and broken.

Now, the effect of this condition of things is set forth in the next paragraph, which says that—

There has been a number of cases of diphtheria and other sickness at the post within the last one or two years clearly traceable to the defective and unsanitary plumbing and system of sewerage.

Now, Mr. Chairman, if there were no more in the report than this, it is enough to make the amount provided in the bill by the committee quite astonishing. It is not 50 per cent. of the amount called for by the officer in charge of the improvements. That officer is a military officer. This improvement is an improvement of an exact character. It is not speculative or problematical, as are many of the improvements which we make. Nobody in providing plumbing for his own house would think of expending a less sum than he found necessary to secure the health of his family. The condition of the health of the cadets and others at West Point, not simply at this time, but for more than a year past, shows that these evils have been going from bad to worse until now they are a serious menace to the health of all the inmates of that institution. The committee have fallen short more than \$20,000 of the estimates of the officer in charge.

When the committee admit that for two years there has been much sickness owing to these defective arrangements, I think they practice not simply poor but culpable economy when they seek to save an expenditure that can not be ultimately saved at all, and can be even temporarily saved only at the cost of the health of the inmates of the Academy. Sir, there are many of these cadets who must be regarded apart from the public interest, and, if I may say so, perhaps in a more sacred sense. If we lose a soldier or an officer, we can recruit out of the great body of our people some one to supply the want; but many of these cadets are the hope and the dependence of families; yet we are here deliberately leaving their health and their lives to be endangered in a poor attempt to save for a short space of time a few thousand dollars. I call attention to one expression used by the engineer in charge. He says: "I consider, owing to the defects in the sewerage and draining"

[Here the hammer fell.]

Mr. McCREARY. If I can be recognized, I will yield my time to the gentleman from Arkansas.

The CHAIRMAN. The Chair thinks he ought not to indulge that practice.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I trust that that which has been the practice will not be interfered with now. This is certainly the most important feature in the bill—

Mr. McCREARY. I ask unanimous consent that the gentleman from Arkansas be allowed five minutes more.

Several members objected.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I withdraw the amendment and move to strike out the last two words. The officer in charge uses this language, and it seems to me that this language has not been properly weighed by the gentlemen who have cut down this appropriation more than 50 per cent. He says:

I consider, owing to the defects in the sewerage—

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry. How did the gentleman from Arkansas obtain the floor?

The CHAIRMAN. He withdrew the previous *pro forma* amendment and offered an amendment to strike out the last two words.

Mr. ALLEN, of Michigan. I make the point of order that the gentleman can not evade the rule so as to hold the floor in that way.

The CHAIRMAN. The objection comes to late; otherwise the Chair would entertain it.

Mr. BRECKINRIDGE, of Arkansas. The objection is not in order anyhow. I trust that these interruptions will not come out of my time.

The CHAIRMAN. The gentleman will proceed.

Mr. BRECKINRIDGE, of Arkansas. I wish to be courteous to the gentlemen—

The CHAIRMAN. The Chair will state (this does not come out of the gentleman's time) that hereafter, if objection is made, the Chair, following the rules of the House, will not allow a gentleman, after speaking five minutes upon an amendment, to withdraw it and move another amendment, thereby obtaining ten minutes for debate when the intention of the rule is that he should have only five.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, we will discuss that question when it comes up. I trust that these interruptions will not come out of my time.

The CHAIRMAN. The gentleman will proceed.

Mr. BRECKINRIDGE, of Arkansas. The officer having charge of these sanitary matters at West Point says that the conditions there are such as, if not remedied, will tend to the production of serious sickness. It appears that sickness has appeared there for two years past, as testified by the committee itself.

I have endeavored—

He continues—

to avoid suggesting unnecessary or expensive changes—

This estimate submitted by the officer in charge has been prepared with an eye to economy; he has purposely avoided suggesting expensive appliances or unnecessary changes—

or the use of anything but inexpensive fixtures. However, owing to the amount of work to be done, it must necessarily be costly; and as an approximate estimate I would state that it would probably require the sum of \$25,000 to make the changes suggested.

Now, we find in the report of the committee that the estimate submitted for improving and modernizing the plumbing and sewerage systems at West Point was in the first place \$35,698.76. But even the reduced estimate, confessedly too low, and made, as stated by this officer, with an eye directed strictly to economy, embracing nothing but what is indispensable to public health and shown to be necessary for two years past by the evidence taken by the committee, even this is reduced \$10,000.

Mr. Chairman, this is no place for economy like that. It is not true economy. It is not proper, for the temporary saving of a few thousand dollars, to imperil the health and the lives of the officers of the Army. We have seen too many instances where legislation entered upon in this grudging spirit has been adopted with reference to the public buildings here in Washington, so that clerks in the Departments have been rendered invalids for life simply because of misdirected economy of this character. Large sums are expended in various parts of the country for matters of questionable necessity, for matters of mere adornment, not necessary for public uses; yet here, where there is not only a question of public utility involved, but where the committee itself recognizes the necessity of proper provision for the health of our public servants, it is insisted, and that too when gentlemen know that there is only a temporary saving—

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I withdraw my former amendment and will now move to strike out the last three words; and I ask recognition of the Chair—

The CHAIRMAN. The Chair will not entertain the proposition.

Mr. BRECKINRIDGE, of Arkansas. I appeal from the decision of the Chair. Can the Chair point to anything in the rules which does not permit me to make an independent motion of this kind?

The CHAIRMAN. The Chair will rule—

Mr. BRECKINRIDGE, of Arkansas. Will the Chair cite some rule of the House?

The CHAIRMAN. The Chair will cite a rule:

No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

The spirit of the rule which authorizes the five-minute debate in Committee of the Whole is that one member shall not be permitted to occupy the whole time to the exclusion of other members, in whose interest this rule has been made.

Mr. BRECKINRIDGE, of Arkansas. I am ready to yield to any gentleman on the other side. No gentleman on that side has risen to speak.

The CHAIRMAN. The gentleman has been recognized to offer a substantial amendment, then a formal amendment, and again a formal amendment. He now takes the floor to make another formal amendment, and the Chair declines to entertain it.

Mr. BRECKINRIDGE, of Arkansas. I make the point of order that this ruling is in violation of the literalism of the rules. I withdraw my former amendment.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk proceeded to read the following paragraph:

For extending the water supply from the corner of academic building to the cavalry stables and riding hall, \$500.

Mr. BRECKINRIDGE, of Arkansas (while the Clerk was reading). I appeal from the decision of the Chair. I trust the Chair will not hesitate to rule upon my appeal from the decision on the point of order. It is a parliamentary matter; and it is proper that the Chair should rule upon it. [The Clerk continued to read.] Mr. Chairman, this House does not recognize arbitrary proceedings of this character. Other gentlemen have occupied the time of the House in discussing questions of partisan politics. I have read from an official report— [Cries of "Regular order!"]

I ask the Chair to rule.

The CHAIRMAN (the Clerk having concluded the reading of the paragraph). The Chair will now entertain an amendment upon the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. No, sir; the Chair must go back. I insist on my appeal.

The CHAIRMAN. The Chair will not go back.

Mr. BRECKINRIDGE, of Arkansas. Will the Chair overrule my appeal or entertain it?

The CHAIRMAN. The Chair overrules the point of order.

Mr. BRECKINRIDGE, of Arkansas. I appealed from the decision of the Chair.

The CHAIRMAN. When the gentleman for the third time offered a formal amendment and sought to occupy the floor the Chair directed the Clerk to proceed with the reading.

Mr. BRECKINRIDGE, of Arkansas. I appeal. Will the Chair rule upon my appeal?

The CHAIRMAN. It is now in order for the gentleman to move an amendment to the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. I insist that the course of the Chair is in violation of the literalism of the rule. What ruling does the Chair make on my appeal?

The CHAIRMAN. The Chair rules it out of order.

Mr. BRECKINRIDGE, of Arkansas. Why did you not say so at first, instead of seeking to override a gentleman on the floor?

Mr. OUTHWAITE. Mr. Chairman—

Mr. BRECKINRIDGE, of Arkansas. I wish to offer a pertinent amendment.

The CHAIRMAN. The gentleman is recognized to offer an amendment to the paragraph under consideration.

Mr. BRECKINRIDGE, of Arkansas. I do not recognize the propriety of the proceeding on the part of the Chair which attempts to prohibit me from offering an amendment to the paragraph I was discussing. [Cries of "Regular order!" on the Republican side.]

The CHAIRMAN. The gentleman from Arkansas will send up his amendment if to the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. I wish to amend that paragraph relating to the West Point Hotel. The gentlemen on the other side know that this proceeding is not customary and is certainly not courteous.

The CHAIRMAN. The amendment is not in order, because that paragraph has been passed over.

Mr. OUTHWAITE. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Ohio is recognized to amend the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. I ask the Chair to state what it is.

The CHAIRMAN. If, in the confusion, the reading of the paragraph was not heard the Clerk will again report it.

Mr. OUTHWAITE. Mr. Chairman, I offer an amendment—

The Clerk read as follows:

For extending the water supply from the corner of academic building to the cavalry stables and riding hall, \$500.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Ohio offers an amendment. Why do not you stop the Clerk from interrupting the gentleman from Ohio?

The CHAIRMAN. If the gentleman from Arkansas will pay attention to the proceedings he will see that the Clerk is simply rereading a section already read, and that the gentleman from Ohio is now recognized.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman—  
A MEMBER on the Republican side. Sit down.

Mr. BRECKINRIDGE, of Arkansas. You rise in your place, sir, and tell me to sit down! You have got to demean yourself according to the rules of this House or we will have it out. [Cries of "Regular order!" and "Order!" on the Republican side.]

Mr. SPINOLA. Why do not you gentlemen on that side take your seats and keep order?

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. OUTHWAITE. I rose, Mr. Chairman, to address the Chair immediately on the announcement of the result, or before passing from the preceding paragraph, and I would ask whether the Chair recognizes me to offer an amendment there or not.

The CHAIRMAN. The gentleman is now recognized on the paragraph pending, which is the one just read.

Mr. OUTHWAITE. That is in reference to the repairs of the plumbing. My amendment relates to that, and it is to strike out \$1,500 and insert \$2,500.

The CHAIRMAN. That paragraph has been passed over. The one just read relates to the water supply, which is the pending paragraph.

Mr. OUTHWAITE. I was endeavoring by every reasonable method that I knew of to secure the recognition of the Chair at the time of the consideration of the preceding paragraph.

The CHAIRMAN. And the gentleman is now recognized to amend this paragraph.

Mr. OUTHWAITE. I wish to amend the preceding one.

The CHAIRMAN. That is too late.

Mr. OUTHWAITE. Then it is too late on account of the disorder prevailing on the other side of the House and the Chair utterly disregarding gentlemen on this side.

The CHAIRMAN. If the gentleman does not desire to amend the pending paragraph the Chair will direct the Clerk to read. The Clerk will read.

The Clerk read as follows:

For general repairs—

Mr. OUTHWAITE. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to amend the pending paragraph?

Mr. OUTHWAITE. No; as I have said I desire to amend the preceding one, but I ask—

The CHAIRMAN. An amendment there is not in order.

Mr. BRECKINRIDGE, of Arkansas. I desire to amend the pending paragraph.

The CHAIRMAN. The gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last word.

In that connection I wish to speak of the discourteous and improper manner in which the preceding paragraph was passed over. Here is a recommendation of \$1,500 to provide for the sewerage and plumbing of the West Point Hotel, when the officials in charge have stated that it is indispensable for the health of the cadets there that \$5,200 be expended for that purpose.

Now, sir, we have witnessed a long, irrelevant debate here, more than two hours consumed by the other side of the House, largely in wholly improper discussion, discussion on subjects that not only do not have any consideration in this bill, but of which the House has no jurisdiction. And yet when gentlemen have risen here and sought to amend the bill in compliance with the recommendations of the officers of the Army—and it is a recognized fact, as we are told, that this is most important, that it is vital to the health of the officers and cadets at West Point—it is ridden down, disregarded, and treated as irrelevant matter.

I wish, sir, to protest against that sort of proceeding. I know now that the Chair would rule me out if I sought to go back and offer an amendment to bring this amount up to the sum recommended by the officers. I know that consent would be refused. I also know that at the point where the proceedings now pause it would not be in order, and I am not the man to struggle for that which is not my parliamentary right. But I do protest against the rudeness and discourtesy which has marked gentlemen on the other side, and the peremptory and improper manner in which the Chair has forced the proceedings.

Mr. CUTCHEON. Just a word in reply to the gentleman from Arkansas, and I think gentlemen will recognize the propriety of what I want to say.

In regard to the reconstruction of the plumbing and sewerage at West Point Hotel, during the twelve days that the Board of Visitors were in session the matter of reorganization of the plumbing and sewerage there was not even mentioned. When I called on Superintendent Wilson to report what was necessary in the way of repairs he responded in the letter which appears in the report of the Board of Vis-

itors, on page 9, and that matter of reconstructing the sewerage and plumbing was not even mentioned, and subsequently the report was made by an officer detailed from the War Department, who went and investigated the matter. He reported a universal overhauling of all the sewerage and all the plumbing, as supposed, at a cost of about \$35,000. [Cries of "Vote!" "Vote!"]

I hope gentlemen will be courteous to me. That officer was before the committee and was fully examined and stated to us that \$15,000 in his opinion would be all that would be required to put the sewerage and plumbing in a sanitary condition, and we granted that amount.

The Clerk read as follows:

For general repairs, painting, pointing, and shingling of the cadet laundry building, and for repairing the smokestack (chimney) of same, \$300.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out the last word.

During the discussion of this bill but once have I been tempted to diverge from the legitimate object of considering the bill as it should be considered.

Mr. KELLEY. And that is what started the whole disturbance.

Mr. OUTHWAITE. That was in response to something that occurred on the part of the gentleman from Kansas [Mr. KELLEY]; but, Mr. Chairman, I wish to call the attention of the committee to the method in which it is legislating at this time. I rose at the proper time and addressed the Chair respectfully, and endeavored to get the eye and ear of the Chair, in order that I might propose a substantial amendment and a meritorious one. There was at that time great confusion in the Hall, and I now propose in these five minutes to show the necessity—

The CHAIRMAN. If the gentleman from Ohio will permit the Chair, the gentleman can certainly bear witness that the Chair has proceeded to recognize the gentleman for a great many amendments and has endeavored to give him ample and full recognition.

Mr. OUTHWAITE. I am not complaining of personal discourtesy. I am stating the facts as they occurred in the presence of this House. I had intended to move to increase the appropriation from \$15,000 to \$25,000, not to the extent recommended by the officer, for I will show to this committee, by referring them to page 179 of the Estimates, that an estimate was made for this improvement of \$28,700. And these reasons were given for that estimate:

The present sinks and bath rooms for cadets have been condemned by all persons who have seen them in recent years. The bath rooms are in the basement of the cadet barracks, where they are badly located, as to sunlight and ventilation, and are in such a position as any sanitarian would condemn. The renewal and enlargement of the sinks is a vital necessity. With the foregoing amount, if appropriated, it is intended to put up a substantial building, with proper plumbing and fixtures, properly lighted and heated, well ventilated, conveniently located, and one fulfilling all the requirements of modern sanitary science.

Gentlemen, you each send from the homes of the citizens in your districts young men to this place, and you send them there in the face of this statement in the Book of Estimates, and in the face of legislation that you are passing nastily to-day. You send them there to meet with pestilence and possible death, and you do it knowingly. You have had your attention called to it time and time again, but for some reason or other you insist on voting as you yelled awhile ago, in a body.

Mr. COOPER, of Ohio. Will the gentleman permit me to ask him a question?

Mr. OUTHWAITE. Yes, sir.

Mr. COOPER, of Ohio. The statement you read is that these quarters have been repeatedly condemned. Why did you not make this change in the last Congress?

Mr. OUTHWAITE. The statement is that they have been repeatedly condemned by all persons who have seen them in recent years. It has not been shown that these estimates were ever sent to any preceding Congress. If they had been, and my attention had been called to the matter, as it has been recently called to this state of affairs there, I should have insisted that we make the proper appropriation. I never have been in favor of the House in which I was a member of the majority cutting down appropriations that were necessary for any public purpose. I never voted in that way, and I do not intend to vote that way in the next Congress. And it is because I do not want necessary and proper appropriations that should be made at this time to be put over upon that Congress that I take the position I take to-day; because, so far as I am concerned, they shall be made then if they are not made now.

The CHAIRMAN. Does the gentleman withdraw his *pro forma* amendment?

Mr. OUTHWAITE. Yes, sir.

Mr. SPOONER. I now move that the bill with the amendments be favorably reported to the House.

Mr. BRECKINRIDGE, of Arkansas. I hope the gentleman will not make that motion yet.

The CHAIRMAN. The motion of the gentleman from Rhode Island is not a debatable motion.

Mr. BRECKINRIDGE, of Arkansas. I know that. I am requesting the gentleman not to press that motion; there have been but five minutes allowed on the last paragraph.

Mr. SPOONER. Mr. Chairman, I ask that the motion be put.

Mr. SPINOLA. Has the bill been read through?

Mr. BRECKINRIDGE, of Arkansas. Does the gentleman insist upon his motion?

The CHAIRMAN. The gentleman from Rhode Island [Mr. SPOONER] moved that the bill be laid aside and that the Chairman be directed to report the same to the House with sundry amendments and a favorable recommendation.

Mr. SPINOLA. I wish to inquire if the bill has been read through.

The CHAIRMAN. The bill has been read through and the gentleman from Rhode Island has made his motion.

Mr. SPINOLA. I desire to make a few remarks on it.

Several MEMBERS. You are too late.

The CHAIRMAN. The question is on the motion of the gentleman from Rhode Island that the bill be laid aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. Division. There has been so much time devoted to partisan debate and so little time allowed for legitimate debate that I am entirely opposed to this action being taken at this time.

The committee divided; and there were—ayes 75, noes 51.

Mr. BRECKINRIDGE, of Arkansas. Tellers.

Tellers were ordered.

The committee again divided; and tellers reported—ayes 74, noes 31.

The CHAIRMAN. The bill is accordingly laid aside, to be reported to the House by the Chairman.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Chairman, I move that the committee proceed to the consideration of the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892. I call it up.

I will say, if gentlemen will give me attention for a moment, that if we can dispense with the formal reading of the bill, and I can make an agreement with my colleague, the gentleman from Kentucky [Mr. McCREARY], as to the time for general debate, we will then move that the committee rise.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I raise a point of order against that motion.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. Had not the committee already determined to rise?

The CHAIRMAN. The gentleman is mistaken. The motion of the gentleman from Rhode Island was to lay aside the bill under consideration, and to direct that the same be reported to the House with sundry amendments; and the gentleman from Illinois, the House being in Committee of the Whole for the consideration of general appropriation bills, called up for consideration the consular and diplomatic appropriation bill.

Mr. BRECKINRIDGE, of Arkansas. Then, I understand, the motion that the committee rise was not involved in the motion of the gentleman from Rhode Island?

The CHAIRMAN. It was not.

Mr. McCREARY. Mr. Chairman, I understand the gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, moves to take up the diplomatic and consular appropriation bill.

Mr. HITT. I call it up.

The CHAIRMAN. The Chair will state to the committee that the House is in Committee of the Whole for the consideration of appropriation bills, and the gentleman having been recognized called up that bill.

Mr. McCREARY. I understand the gentleman from Illinois desires to simply call up that bill, and that it is not desired to have it read this evening.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I rise to a parliamentary inquiry. It is not in the power of the gentleman to call up the bill.

Mr. HITT. I ask unanimous consent to dispense with the reading of the bill, and if we can agree as to the time for debate, I will then ask that the committee rise.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, has the gentleman from Illinois the power to call up this bill and by that means secure its consideration?

The CHAIRMAN. The Chair will state that the House is in Committee of the Whole for the consideration of general appropriation bills; the gentleman has been recognized to call up this bill for consideration, and it is now before the House.

Mr. BRECKINRIDGE, of Kentucky. Is it before the House until the Chair submits some steps by which the House agrees to its consideration?

The CHAIRMAN. The Chair begs pardon. It is before the committee.

Mr. BRECKINRIDGE, of Kentucky. I object to the consideration of the bill. I raise the question of consideration.

The CHAIRMAN. The question of consideration can not be raised in committee.

Mr. CUTCHEON. I understand it is the next general appropriation bill.

The CHAIRMAN. The Chair thinks that gentlemen might try to make some arrangement as to the time to be consumed in general debate.

Mr. McCREARY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCREARY. Does the Chair decide that a member can not object to the consideration of a bill in Committee of the Whole—that it is in the power of no member simply to object when the chairman of a committee calls it up for consideration?

The CHAIRMAN. The Chair has decided that the bill is before the committee.

Mr. HITT. I called up the bill. I understand that the bill is before the committee, and the reading of the bill is the next thing in order, and not debate or any other proceeding. I ask gentlemen to give unanimous consent to dispense with that reading, and I hope, if that proposition be accepted, that then the gentlemen in charge of that side of the House will arrange as to the time to be consumed in debate, and then let the committee rise.

Mr. McCREARY. I hope my friend from Kentucky and my colleagues will allow me a moment to make an explanation simply. The gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, as I understand it, desires now simply to call up the diplomatic and consular appropriation bill. He does not expect or desire to go into the consideration of the bill this evening, but desires to call it up, dispense with the first reading of the bill and agree upon the time for general debate, so that to-morrow we may go on with the debate.

Now, I think that is fair, and I believe we ought to do it. It lacks only fifteen minutes of 5 o'clock, and the committee will rise if we can make a proper agreement about general debate, and then to-morrow we can go on with the consideration of the diplomatic and consular appropriation bill. There are a number of gentlemen absent this evening, and I presume my friend from Illinois will not insist upon going on with the consideration of the bill now.

Mr. HITT. We will not proceed with it if we can dispense with the first reading of the bill and agree as to the time for general debate.

Mr. McCREARY. I suggest to the gentleman to let the bill be read by title and then it will be up, and then move that the committee rise.

Mr. HITT. No; let there be some agreement made as to the time for general debate.

The CHAIRMAN. The Clerk will read the title of the bill.

Mr. TURNER, of New York. I object to anything less than the full reading of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892.

The CHAIRMAN. Objection is made to the proposition of the gentleman from Illinois [Mr. HITT], and the bill will be read.

The Clerk proceeded to read the bill.

Mr. HOLMAN (interrupting the reading). Mr. Chairman, this being the first reading of the bill, I presume it is not necessary to present points of order upon propositions contained in it. That, I suppose, can be done on the reading of the bill by paragraphs.

The CHAIRMAN. All points of order are reserved.

Mr. HOLMAN. And may be presented when the bill is read by paragraphs.

The CHAIRMAN. Yes, as the paragraphs are reached in order in the committee.

Mr. TURNER, of New York. Mr. Chairman, if an agreement as to time can be reached between the two sides I will withdraw the demand for the reading of the bill in full.

Mr. McCREARY. I understand, Mr. Chairman, that the gentleman from New York is willing to withdraw his demand for the reading of the bill in order that we may see if we can agree as to the time for general debate.

Mr. TRACEY. I demand the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the reading of the bill. The Clerk will proceed.

The Clerk resumed the reading of the bill.

Mr. McCREARY (interrupting the reading). Mr. Chairman, I think the gentleman from Illinois [Mr. HITT] and myself, with the consent of the House, can agree upon the time for general debate, and my friend from New York says that if that can be done he will withdraw the demand for the reading of the bill in full. I therefore propose that we have two hours and a half on each side for general debate; that we agree upon that, and that then the committee rise.

Mr. CANNON. We will have this reading dispensed with first.

Mr. McCREARY. Does the gentleman from Illinois [Mr. CANNON] desire to have the bill read in full?

Mr. CANNON. If the gentleman from New York will withdraw

his demand to have the bill read in full, I have no objection to an arrangement being made as to general debate.

Mr. McCREARY. Well, if we can agree upon the time—

Mr. CANNON. You can agree after he has withdrawn his demand for the reading. If not, you can fix it afterwards.

Mr. McCREARY. I think we can agree in a moment.

Mr. HITT. I will agree with the gentleman.

Mr. McCREARY. Then the gentleman from Illinois [Mr. HITT] agrees to my proposition for two hours and a half?

Mr. HITT. I would rather have it limited to the same time that was allowed in the case of the bill just disposed of, two hours on each side.

A MEMBER. That was two hours and a half on one side and two on the other.

Mr. SPINOLA. The extra half hour would be very useful to me on the monument bill. [Laughter.]

Mr. HITT. I suggest two hours on each side. I can agree to that.

Mr. TRACEY. If the gentleman from Illinois [Mr. HITT] will permit me, the gentleman from Kentucky [Mr. McCREARY] came to my seat and stated that he and the gentleman from Illinois had made an agreement.

Mr. McCREARY. Well, I think we have.

Mr. TRACEY. If they have not made an agreement I call for the reading of the bill.

Mr. McCREARY. I say to the gentleman now that I think we can make an agreement immediately.

Mr. HITT. I will agree to two hours on each side. Will the gentleman from Kentucky agree to that?

Mr. McCREARY. I will agree to two hours on each side.

Mr. HITT. The gentleman from Kentucky to control the time on that side.

Mr. McCREARY. And the general debate to begin not this evening, but in the morning.

Mr. MCKENNA. Mr. Chairman, I wish to inquire of the gentleman from Illinois [Mr. HITT] whether he will honor a requisition from me for time.

Mr. HITT. Whatever is the regular usage I will follow. I will do all I can to accommodate gentlemen who are on this side of the question of the passage of the bill.

Mr. MCKENNA. What is "this side of the question?" I am in favor of the bill.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I make the point of order that this bill can not be considered if it is not the next bill on the Calendar.

Mr. McCREARY. Mr. Chairman, I make the point of order that the bill is now under consideration.

The CHAIRMAN. The point of order of the gentleman from Kentucky [Mr. BRECKINRIDGE] comes too late.

Mr. BRECKINRIDGE, of Kentucky. I raised the point of order at the proper time, but the Chair improvidently overruled it.

The CHAIRMAN. As the Chair now understands it, there has been an agreement suggested and proposed—

Mr. BRECKINRIDGE, of Kentucky. I simply desire to call attention to the fact that the ruling of the Chair was wholly an improvident ruling under the circumstances.

The CHAIRMAN. The Chair insists that that ruling was a proper one and the time for the consideration of it is passed. The Chair will now put to the House the agreement as the Chair understands it. First, the gentleman from Illinois [Mr. HITT] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. TRACEY. I would like to know before withdrawing my request for the regular order whether the gentleman from Kentucky [Mr. McCREARY] and the gentleman from Illinois [Mr. HITT] have come to an agreement.

Mr. McCREARY. Mr. Chairman, I suggest that you put the whole proposition at the same time, that the reading of the bill be dispensed with, and that two hours and a half be allowed on each side for general debate.

Mr. HITT. Two hours.

The CHAIRMAN. Unanimous consent is asked that the first reading of the bill be dispensed with, and that general debate upon the bill be limited to two hours on each side. Is there objection?

There was no objection, and it was so ordered.

Mr. HITT. Mr. Chairman, I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCOMAS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, had directed him to report the same back with sundry amendments and with the recommendation that it be passed as amended; also, that the Committee of the Whole, having had under consideration the bill (H. R. 13069) making appropriations for the diplomatic and consular service for the United States for the fiscal year ending June 30, 1892, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

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

- A bill (H. R. 3034) granting a pension to George W. Pitner; and
A bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

The message also announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on bills of the following titles:

- A bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill.; and
A bill (S. 4585) granting a pension to Mary B. Hascall.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2591) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities.

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

- A bill (S. 4671) to amend the act of Congress approved September 29, 1890, authorizing the President to restore Tenedor Ten Eyck to the Army and place him on the retired list; and
A bill (S. 4781) creating the office of Fourth Assistant Postmaster-General.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The first question is on the adoption of the amendments reported from the Committee of the Whole to the bill making appropriations for the support of the Military Academy.

Mr. SPOONER. I move the previous question on the bill and amendments.

The previous question was ordered. The amendments were read.

The SPEAKER. The question is on agreeing to the amendments. Mr. BRECKINRIDGE, of Arkansas. I call for a separate vote on agreeing to these amendments. I would not do so but for the unfair course of the other side in regard to discussion.

The SPEAKER. The question is not subject to debate. The question was taken on the first amendment, as follows:

In line 13, page 4, strike out the word "and" before "furnaces" and insert it after the word "furnaces."

The SPEAKER (having put the question). The ayes seem to have it. Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The question being again taken, there were—ayes 83, noes 20. Mr. BRECKINRIDGE, of Arkansas. I demand tellers.

The SPEAKER proceeded to put the question on ordering tellers; when

Mr. BRECKINRIDGE, of Arkansas, said: I will withdraw that demand, and make the point that there is no quorum voting or present.

Mr. ALLEN, of Michigan. I call for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 11, not voting 185; as follows:

YEAS—134.

- Adams, Allen, Mich., Andrew, Atkinson, Pa., Atkinson, W. Va., Baker, Barwig, Bayne, Belden, Belknap, Bergen, Boothman, Boutelle, Brewer, Brookshire, Brosius, Browne, Va., Buchanan, N. J., Buchanan, Va., Burton, Caldwell, Cannon, Carter, Caswell, Cheadle, Clark, Wis., Clark, Wyo., Clements, Cobb, Coleman, Cooper, Ohio, Craig, Crisp, Culbertson, Pa., Cutcheon, Dalzell, Dickerson, Dingley, Farquhar, Featherston, Finley, Forman, Frank, Getzenhainer, Gest, Grosvenor, Harmer, Haugen, Hays, E. R., Hill, Hitt, Holman, Hopkins, Kerr, Iowa, Kinsey, Knapp, Lacey, Laidlaw, Langston, Lansing, Lester, Ga., Lind, Lodge, Martin, Ind., McAdoo, McComas, McCreary, McDuffie, McKenna, McKinley, Moffitt, Moore, N. H., Moore, Tex., Morey, Morrill, Morse, Mudd, O'Neill, Mass., O'Neill, Pa., Osborne, Outhwaite, Owens, Ohio, Parrett, Payne, Peel, Perkins, Peters, Post, Quinn, Raines, Reed, Iowa, Rowell, Russell, Sanford, Sayers, Scranton, Scull, Sherman, Smith, Ill., Smith, W. Va., Smyser, Spinola, Spooner, Stephenson, Stewart, Ga., Stewart, Vt., Stone, Mo., Stone, Pa., Struble, Sweet, Taylor, E. B., Taylor, J. D., Taylor, Tenn., Townsend, Colo., Townsend, Pa., Tracey, Turner, Ga., Turner, N. Y., Vandever, Waddill, Walker, Wallace, N. Y., Wheeler, Ala., Whitehorn, Wickham, Wike, Wilkinson, Williams, Ohio, Wilson, Ky., Wilson, W. Va., Yardley, Yoder.

NAYS—11.

- Breckinridge, Ark., Brunner, Cooper, Ind., Ellis, Kerr, Pa., Lewis, Mansur, Martin, Tex., Montgomery, Mutchler, Tucker.

NOT VOTING—185.

- Abbott, Alderson, Allen, Miss., Anderson, Kans., Anderson, Miss., Arnold, Bankhead, Banks, Barnes, Bartine, Beckwith, Biggs, Bingham, Blanchard, Bland, Bliss, Blount, Boatner, Bowden, Breckinridge, Ky., Brickner, Brower, Brown, J. B., Brown, T. M., Buckalew, Bullock, Bunn, Burrows, Butterworth, Bynum, Campbell, Candler, Ga., Candler, Mass., Carlton, Caruth, Catchings, Cheatham, Chipman, Clancy, Clarke, Ala., Clunie, Cogswell, Comstock, Connell, Cothran, Covert, Cowles, Crain, Culbertson, Tex., Cummings, Dargan, Darlington, Davidson, De Lano, Dibble, Dockery, Dolliver, Dorsey, Dunnell, Dunphy, Edmunds, Enloe, Evans, Ewart, Fitch, Fithian, Flick, Flood, Flower, Forney, Fowler, Funston, Gear, Geary, Gibson, Gilford, Goodnight, Greenhalgo, Grimes, Grout, Hall, Hansbrough, Hare, Hatch, Hayes, W. I., Haynes, Heard, Hemphill, Henderson, Ill., Henderson, Iowa, Henderson, N. C., Herbert, Hermann, Hooker, Houk, Kelley, Kennedy, Ketcham, Kilgore, La Pollette, Lane, Lanham, Lawler, Laws, Lee, Lehlbach, Lester, Va., Magner, Maish, Mason, McClammy, McClellan, McCord, McCormick, McMillin, McRae, Miles, Miller, Milliken, Mills, Morgan, Morrow, Niedringhaus, Norton, Nuto, Oates, O'Donnell, O'Ferrall, O'Neal, Ind., Owen, Ind., Paynter, Payson, Pennington, Perry, Phelan, Pickler, Pierce, Pindar, Price, Pugsley, Quackenbush, Randall, Ray, Reilly, Richardson, Rife, Robertson, Rockwell, Rogers, Rowland, Rusk, Sawyer, Sency, Shively, Simonds, Skinner, Snider, Springer, Stahlnecker, Stewart, Tex., Stivers, Stockbridge, Stockdale, Stump, Sweny, Tarsnoy, Taylor, Ill., Thomas, Thompson, Tillman, Turner, Kans., Van Schaick, Vaux, Wade, Wallace, Mass., Washington, Wheeler, Mich., Whitlaw, Whiting, Wiley, Wilcox, Williams, Ill., Wilson, Mo., Wilson, Wash., Wright.

The following-named members were paired: Until further notice:

- Mr. NIEDRINGHAUS with Mr. HATCH.
Mr. CHEATHAM with Mr. FOWLER.
Mr. WHEELER, of Michigan, with Mr. KILGORE.
Mr. HENDERSON, of Illinois, with Mr. CLARKE, of Alabama.
Mr. LESTER, of Virginia, with Mr. BOWDEN.
Mr. MASON with Mr. MCCLAMMY.
Mr. BUTTERWORTH with Mr. ALLEN, of Mississippi.
Mr. FLOOD with Mr. CUMMINGS.
Mr. BLISS with Mr. WHITING.
Mr. DE LANO with Mr. ROWLAND.
Mr. DARLINGTON with Mr. CAMPBELL.
Mr. HANSBROUGH with Mr. STAHLNECKER.
For the rest of the day:
Mr. GRIMES with Mr. ANDERSON, of Kansas.
Mr. BROWER with Mr. ABBOTT.
Mr. THOMPSON with Mr. HENDERSON, of North Carolina.
Mr. MILES with Mr. DAVIDSON.
Mr. FLICK with Mr. DARGAN.
Mr. TAYLOR, of Illinois, with Mr. CRAIN.
Mr. EVANS with Mr. RICHARDSON.
Mr. McMILLIN with Mr. HERMANN.
Mr. VAN SCHAICK with Mr. GOODNIGHT.
Mr. RIFE with Mr. EDMUNDS.
Mr. STIVERS with Mr. WILSON, of Missouri.
Mr. ROCKWELL with Mr. LEE.
Mr. RAY with Mr. O'FERRALL.
Mr. DUNNELL with Mr. HOOKER.
Mr. KELLEY with Mr. WASHINGTON.
Mr. THOMAS M. BROWNE with Mr. ROGERS.
Mr. HOUK with Mr. PAYNTER.
Mr. KETCHAM with Mr. PENNINGTON.
Mr. MCKENNA with Mr. GEARY.
Mr. BANKS with Mr. ALDERSON.
Mr. BINGHAM with Mr. WHITELAW.
Mr. BURROWS with Mr. SHIVELY.
Mr. MILLIKEN with Mr. DIBBLE.
Mr. O'DONNELL with Mr. WILEY.
Mr. SWENY with Mr. STEWART, of Texas.
Mr. LEHLBACH with Mr. STUMP, until Monday next.
Mr. OWEN, of Indiana, with Mr. COVERT, until Tuesday next.
Mr. MORROW with Mr. CLUNIE, for one week.
Mr. EVANS. I am paired for this afternoon with my colleague, Mr. RICHARDSON. If he were here, I should vote in the affirmative.
Mr. ENLOE. I desire to withdraw my vote, as I remember now that I am paired with my colleague, Mr. HOUK.
Mr. MCKENNA. I am paired with my colleague, Mr. GEARY, but

with the understanding that I should be allowed to vote on a question of this kind.

Mr. DUNNELL. I have refrained from voting, because I am paired with the gentleman from Mississippi, Mr. HOOKER.

The SPEAKER. On this question the yeas are 134, the nays 11.

Mr. BRECKENRIDGE, of Arkansas. There is apparently no quorum. I make that point.

Mr. SPOONER. I move that the House do now adjourn.

The SPEAKER. There is no quorum.

The motion of Mr. SPOONER was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### SEWELL COULSON.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General and its inclosures, in reference to an appropriation to pay Sewell Coulson for legal services in defending ex-officers and ex-soldiers—to the Committee on Appropriations.

##### NEW BUILDING FOR THE MINT AT PHILADELPHIA.

Letter from the Secretary of the Treasury, calling attention to the necessity for the passage of House bill 9957, which provides for the purchase of a site and the erection of a building thereon for the mint at Philadelphia—to the Committee on Public Buildings and Grounds.

##### INDIAN SCHOOL LAND IN ARIZONA.

Letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs and accompanying draught of a bill setting apart a certain tract of land in the Territory of Arizona for Indian school purposes—to the Committee on Indian Affairs.

##### CHICKAHOMINY RIVER.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report of the preliminary examination of the Chickahominy River from Holly Landing to Long Bridge, Virginia—to the Committee on Rivers and Harbors.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. STONE, of Kentucky, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13215) for the relief of Capt. John T. Bruen, reported in lieu thereof the following resolution:

*Resolved*, That the House bill No. 13215, for the relief of Capt. John T. Bruen, now pending in the House, together with all the accompanying documents, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and said court shall proceed in accordance with the provisions of such act, and report to the House in accordance therewith;

which, accompanied by a report (No. 3625), was referred to the Committee of the Whole House.

Mr. PAYSON, from the Committee on the Public Lands, reported favorably the bill of the House (H. R. 13339) for the relief of Sylvester Truesdale, accompanied by a report (No. 3626)—to the Committee of the Whole House.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 2825) to provide for the purchase of a site and the erection of a public building thereon at Mansfield, in the State of Ohio, accompanied by a report (No. 3627)—to the Committee of the Whole House on the state of the Union.

Mr. LANSING, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 1882) directing the Secretary of War to amend the record of Prentice Holmes and grant him an honorable discharge, accompanied by a report (No. 3628)—to the Committee of the Whole House.

Mr. OSBORNE, from the Committee on Military Affairs, to which were referred the following bills of the House:

A bill (H. R. 5394) to increase the efficiency of the Inspector General's Department;

A bill (H. R. 5371) relative to the Inspector General's Department of the Army and the more thorough examination of accounts; and

A bill (H. R. 7506) to increase the efficiency of the Inspector General's Department; reported, as a substitute therefor, a bill (H. R. 13403) to increase the efficiency of the Inspector General's Department; which was read twice, and, accompanied by a report (No. 3629), referred to the House Calendar.

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. PETERS: A bill (H. R. 13402) to incorporate the Washington and Great Falls Electric Railway Company—to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 13404) to establish postal savings banks and encourage small savings—to the Committee on the Post Office and Post Roads.

By Mr. WHEELER, of Alabama: A joint resolution (H. Res. 276) for filling vacancy on Board of Regents, Smithsonian Institution—to the Committee on the Library.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of West Virginia: A bill (H. R. 13405) for the relief of Henry Snider, Moundsville, W. Va.—to the Committee on War Claims.

By Mr. BIGGS: A bill (H. R. 13406) for the relief of Jesse L. Beasley—to the Committee on Military Affairs.

By Mr. COOPER, of Indiana: A bill (H. R. 13407) to increase the pension of Samuel M. Graham—to the Committee on Invalid Pensions.

By Mr. DICKERSON: A bill (H. R. 13408) to pension James Carroll, of Dayton, Ky.—to the Committee on Invalid Pensions.

By Mr. FLOWER: A bill (H. R. 13409) granting a pension to Robert H. Holmes—to the Committee on Invalid Pensions.

By Mr. HILL (by request): A bill (H. R. 13410) granting a pension to Perry Carson—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 13411) to grant a pension to Joseph D. C. Arty—to the Committee on Invalid Pensions.

By Mr. KINSEY (by request): A bill (H. R. 13412) for the relief of Capt. L. W. Pritchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) for the relief of Obe Sutherland—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire: A bill (H. R. 13414) granting a pension to James T. Minard—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 13415) granting a pension to J. W. Baker—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 13416) for the relief of Augustus Boyd—to the Committee on Military Affairs.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 13417) for the relief of Gustav Gruis, late captain of Company F, One hundred and eighty-first Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 13418) to remove the charge of desertion from the military record of Leander Parker, late private of Company C, Seventieth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WHEELER, of Alabama: A bill (H. R. 13419) granting a pension to George W. Humphries—to the Committee on Pensions.

Also, a bill (H. R. 13420) authorizing the retirement of Capt. Henry Johnson with the rank of major—to the Committee on Military Affairs.

Also, a bill (H. R. 13421) for the relief of Dr. James W. Stewart—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13422) granting a pension to John P. McDowell—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 13423) granting a pension to James M. Miller—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Petition of Robert Scott, administrator of Andrew Hall, deceased, late of Raleigh County, West Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): Resolutions of the Chamber of Commerce of Norfolk, Va., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BRICKNER: Petition of Frank Gottsacker and 50 others, citizens of Sheboygan, Wis., asking for favorable consideration of House bill 892—to the Committee on Commerce.

By Mr. BROWNE, of Virginia: Resolutions of the Chamber of Commerce of the city of Norfolk, Va., urging passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. CANDLER, of Massachusetts: Petition of citizens of Medfield, Mass., to prohibit the manufacture, importation, exportation, and sale of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CONNELL: Resolutions of West Grove Alliance, of Cass County, Nebraska; also, resolutions of Wideawake Alliance, Nebraska;

also, petition of 13 citizens of Nebraska; also, petition of members of Progressive Alliance, No. 1099, Banner County, Nebraska; also, resolutions of Platte Alliance, No. 283; also, of Collum Alliance, No. 901; also, petition of 37 citizens of Cass County, Nebraska, in favor of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. COOPER, of Ohio: Petition of Danford Hare and others, citizens of Morrow County, Ohio, in favor of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. CRAIG: Resolutions of citizens of Stauffers, Pa., for restricting immigration; also, resolution by Saltzburgh (Pa.) Council of United American Mechanics, for same purpose—to the Committee on Immigration and Naturalization.

By Mr. FEATHERSTON: Petition on claim of Hiram Evens, of St. Francis County, Arkansas—to the Committee on War Claims.

By Mr. GREENHALGE: Petitions of Haverhill (Mass.) Board of Trade, St. Louis (Mo.) Board of Trade, and others, in support of House bill 12869—to the Committee on the Post Office and Post Roads.

By Mr. EDWARD R. HAYS: Petition of the people of Des Moines, Iowa, urging the passage of free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. HILL: Petition of Perry Carson, for a pension—to the Committee on Invalid Pensions.

By Mr. MCCLELLAN: Petition of 8 citizens of Whitley County, Indiana, praying for the speedy consideration and passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. MCCORMICK: Petition for relief of William Magee—to the Committee on Invalid Pensions.

Also, of Elbridge Farmers' Alliance, Tioga County, Pennsylvania; also, of West Lawrence Farmers' Alliance, for the option bill—to the Committee on Agriculture.

By Mr. MOREY: Petition and resolution of New Harmony Alliance, Greene County, Ohio, in favor of the antioption bill—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of Laundrymen's National Association of America, relative to the Chinese expulsion act—to the Committee on Foreign Affairs.

By Mr. QUINN: Preamble and resolutions of the Manhattan Club in opposition to the force bill—to the Committee on Elections.

By Mr. ROCKWELL: Resolutions of Springfield (Mass.) Board of Trade, in relation to a bill to establish a limited postal-telegraph service—to the Committee on the Post Office and Post Roads.

By Mr. RAY: Resolution adopted by the Star of America Council, No. 305, Junior Order United American Mechanics, favoring the passage of a law restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Mary L. Johnston and Lewis County (New York) Woman's Christian Temperance Union, asking for passage of Senate bill 4173—to the Committee on Education.

By Mr. SMITH, of West Virginia: Petition of 101 citizens of West Virginia, praying passage of House bill 12448—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: Petition of Arrey Morris, Washington County, Arkansas, requesting his claim for property taken by and for the use of the United States Army during the war be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition on claim of Spencer G. Rogers, of the same county and State; also, of Joseph Bevan, of Nevada County, Arkansas—to the Committee on War Claims.

By Mr. STRUBLE: Resolutions from Sioux (Iowa) Alliance, No. 1765; also, petition of R. M. Ricketts and 10 others, citizens of Woodbury County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of W. G. Teakle and 47 others, citizens of Iowa, asking for the enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on Agriculture.

By Mr. SWENEY: Petition of 39 citizens of Allamakee County, Iowa; also, of 36 citizens of Fayette County, Iowa; also, resolutions of Fayette Mutual Alliance, No. 1901, for the option bill—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Petition (circulated by the Woman's Christian Temperance Union) signed by David Stratton, O. M. Hatch, and 90 others, citizens of Swanton Township and vicinity, Lucas County, Ohio, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TOWNSEND, of Pennsylvania: Petition of Council 385, Order United American Mechanics, against further immigration of the pauper and criminal classes; also, of Council, Order United American Mechanics, Philadelphia, Pa.; also, Darlington Council, Order United American Mechanics, No. 386, for the same relief—to the Select Committee on Immigration and Naturalization.

Also, petition of 36 citizens of Homewood, Pa., for restriction upon immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WHEELER, of Alabama: Property claim and petition of William Wilbern, of Jackson County, Alabama—to the Committee on War Claims.

By Mr. WICKHAM: Petition of 37 citizens of Ashland County, Ohio, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. WIKE: Resolutions of Fieldon Lodge, of Farmers' Mutual Benefit Association, Jersey County, Illinois, for the option bill—to the Committee on Agriculture.

Also, petition of William Lawler, president, and 30 members of Fieldon Lodge, No. 4854, of Jersey County, Illinois, praying for the passage of House bill 5353, defining and prohibiting options and futures and dealings therein—to the Committee on Agriculture.

## SENATE.

FRIDAY, January 30, 1891.

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

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

To whom, O God, can we come but unto Thee under this dark cloud? We rejoice that death does not end all. We praise Thee for the life immortal, through Jesus Christ our Lord. Teach us so to live before God, obediently, and humbly, and prayerfully, and trustingly; so to live before men, charitably, and kindly, and faithfully, that death may be to us but a sleep.

We thank Thee for this life so true, so pure, so useful, so honorable, so long preserved, so good, molded and fashioned by the faith in Christ. O Lord, hide not Thy face from us in the day when we are in trouble. Look in mercy and deal very tenderly with Thine handmaiden and with this family, now in greatest sorrow. Sustain and strengthen and comfort, and cause faith to triumph in the hour of great darkness. Teach us so to live day by day before God, in the discharge of every duty, that when we shall be called we may be ready to depart, to give our account to Thee, and to live where they die no more.

We thank Thee for this blessed faith through Thy precious Word, and through Thy Son, who has brought life and immortality to light. Bless each one of us to-day and direct us in all we do. Give us power over our hearts. Fill us with Thy good spirit. Inspire us with courage, with patience, with faith, and help us so to endure unto the end, so doing and so suffering, that God may be well pleased with us and that our lives may be made a benediction.

Bless this great land, and sanctify to us, O God, the visitations of Thy providence. Inspire us more and more with faith in Thee, and help us ever to stand for the true and the right among the nations. We ask it all, with pardon and grace, in Jesus' name. Amen.

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

### DEATH OF SECRETARY WINDOM.

Mr. MORRILL. Mr. President, in consequence of the recent calamity that has visited us in the sudden decease of a former eminent member of this body and a distinguished member of the Cabinet of the President, in the service as Secretary of the Treasury, and in accordance with former precedents, I move that the Senate do now adjourn.

The motion was agreed to unanimously; and (at 11 o'clock and 10 minutes a. m.) the Senate adjourned until to-morrow, Saturday, January 31, 1891, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 30, 1891.

The House met at 12 o'clock m.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O God, our Father; awe-stricken and overwhelmed with sorrow, we come to Thee, with the startling sense of the instant death of a chief executive officer of the nation, whose public service has been memorable and beneficent; whose devotion to the welfare of the commonwealth has been conspicuous; whose sweet and beautiful character as husband, father, friend, citizen, and gentleman has been his highest crown.

As the sobs of his broken-hearted wife and children in their darkened home come to our hearts, awakening in us the profoundest sympathy, we pray that Thy pitying love may descend to console them and Thy good providence to succor and provide for them.

Grant that this startling event may bring home to us the solemn sense that in the midst of life we are in death. So let the grasp of the world upon us be loosened, and our thoughts be elevated to the things which are imperishable and Divine; and may we turn our steps into the paths of duty, virtue, piety, and godliness, that whenever our summons shall come we shall pass from these scenes to our eternal rest at Thy right hand. Through Jesus Christ, our Lord, Amen.

The Journal of the proceedings of yesterday was read and approved.