

HOUSE OF REPRESENTATIVES.

FRIDAY, July 22, 1892.

The House met at 11 o'clock a. m. Prayer by the Rev. J. H. CUTHBERT, D. D.

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

CORRECTION OF REFERENCE.

Mr. ELLIS. Mr. Speaker, I am instructed by the Committee on the Revision of the Laws to report back the bill (H. R. 9575) to create a national highway commission and prescribe its duties; and ask that the committee be discharged from its further consideration.

Mr. POST. I move that it be referred to the Committee on the Columbian Exposition.

The SPEAKER. Without objection the Committee on the Revision of the Laws will be discharged from the further consideration of this bill.

There was no objection.

The motion of Mr. POST was then agreed to.

BULLETINS AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I herewith transmit, for the information of Congress, a communication from the Secretary of State, forwarding certain bulletins of the American republics.

BENJ. HARRISON.

WASHINGTON, July 21, 1892.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY COMPANY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9172) to incorporate the Washington and Great Falls Electric Railway Company.

Mr. HEARD. Mr. Speaker, not having had an opportunity to examine the amendments of the Senate, I am not prepared to move concurrence. I therefore move that the House nonconcur in the amendments of the Senate, and agree to the conference asked on the disagreeing votes thereon.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HEARD, Mr. COBB of Alabama, and Mr. POST as conferees on the part of the House.

HAWAIIAN BARK ARCTIC.

The SPEAKER also laid before the House the bill (S. 2229) for the relief of the owners and crew of the Hawaiian bark Arctic.

The bill was read twice.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection to its present consideration.

The bill was read at length.

Mr. LIVINGSTON. I wish to ask if this has been before the House Committee?

Mr. BURROWS. This bill or a similar one has been reported by the House Committee. I will say that this is the only remaining vessel which has not been compensated for aiding in the rescue of some twelve hundred persons who were imperiled in the Arctic regions. The report discloses all the facts in the case. The gentleman from California [Mr. LOUD] is familiar with the case, and I would like to have him make a statement in regard to it.

Mr. DOCKERY. It would be better to have the report read, reserving the right to object.

Mr. BURROWS. I will state, Mr. Speaker, that I call this bill up by request. The report shows that in September, 1871, the bark Arctic was prosecuting a whaling voyage in the Arctic Ocean near Blosson Shoals. The report goes on to state that the vessel had been fully and completely equipped for the business at great expense, and was then upon the whaling ground fully and completely prepared for the successful prosecution of their voyage; that the season for taking whales upon that ground is from the 1st of September till the middle of October, and they had just commenced to take whales, which were plenty and available to capture, there being every prospect of a successful catch, amounting to a practical certainty as near as may be.

That while thus prosecuting their voyage, in company with six other vessels, the masters of said vessels received a letter from the masters of some thirty American whaling vessels, which were lying about 60 miles farther north, announcing that their ships were hemmed in by an impassable barrier of ice, which the winds had packed up, and they would be obliged to abandon them; that their provisions were insufficient to support the ship's

company until the next summer, even if they could withstand the rigors of the Arctic winter, and that their only chance for life was with the ships, which were outside the barrier.

The master of the bark Arctic felt it his duty in the cause of humanity to abandon the good prospects of several weeks' whaling, which were still before him, and hasten to the rescue of such portions of this large number of men as he could receive on board with safety and carry to some port. This conclusion was reached after consultation with the masters of the barks Daniel Webster, Chance, Lagoda, Midas, Europa, and Progress, these six vessels and the Arctic being then clear of the ice and in a position to render substantial aid.

The report goes on to state:

Your committee also find that 176 of these shipwrecked seamen were taken to Honolulu by the memorialists; that they abandoned their whaling voyages entirely, and on the 14th day of September the shipwrecked seamen from the abandoned vessels began to arrive where the vessel of the memorialists was at anchor ready to receive them, and that on or about the 16th of September the memorialists set sail for Honolulu with the shipwrecked seamen from the wrecked fleet, which was an American whaling fleet, and that they arrived at Honolulu about the 23d day of October, and the men so rescued were turned over to C. S. Mattoon, esq., United States consul at Honolulu.

Further on they report:

Under the circumstances, we estimate the loss from the abandonment of the voyage as follows:

900 barrels whale oil, at 75 cents per gallon	\$21,262.50
16,000 pounds whalebone, at \$1.75 per pound	28,000.00
Loss and damage to outfits and ship	1,500.00
Total	50,762.50

The Forty-seventh Congress, second session, awarded the owners of the whaler North Star \$20,000 for rescuing 22 men of the United States ship Rodgers. The Fiftieth Congress, second session, awarded the owners of the schooner Era \$13,500 for rescuing 23 men. The Fifty-first Congress, first session, awarded the British whaler Chance \$16,000 for rescuing 96 men from the abandoned fleet herein referred to. The Fifty-first Congress, second session, awarded the barks Midas, Daniel Webster, Lagoda, Progress, and Europa a total sum of \$125,000 for rescuing 900 men of the said abandoned Arctic fleet.

And this vessel simply did it without formal orders, and they acted on the principle that it was a duty to common humanity. The rescue of 176 human beings from those frozen regions was an act of unparalleled magnitude. No case of such magnitude appears or can be found in the history of any maritime nation on the globe. No such peril ever was known to exist in the Arctic or Antarctic Oceans, where 1,300 lives were in such imminent peril from the frozen regions. And the masters of these vessels showed a heroism worthy of recognition and commensurate reward.

The committee find that the amount allowed to the other six vessels engaged with the Arctic in rescuing these 1,300 men was \$138.89 for each person by the other vessels rescued, or an average of \$23,500 to each vessel.

That being the amount allowed to the other vessels pro rata, and this is the last of the vessels which were engaged in that service.

Mr. LIVINGSTON. What committee has reported upon this?

Mr. BURROWS. The House Committee on Claims.

Mr. SIMPSON. Let me ask if the Committee on Claims can not call this up in their order under the rule?

Mr. BURROWS. They will have so many cases probably they can not reach it under the hour rule. It is so meritorious a case, and being the only remaining one of all these vessels which were engaged in this humane service, I trust there will be no objection.

Mr. SIMPSON. Inasmuch as under the rule each committee has a chance to bring in bills, and while this seems to be a meritorious case I will have to call for the regular order, inasmuch as this bill can get a hearing in the proper way.

The SPEAKER. The demand for the regular order is equivalent to an objection.

INVESTIGATION PENSION OFFICE.

Mr. McMILLIN. Mr. Speaker, I call up for consideration the resolution reported from the Committee on Rules on a former day fixing a time for the consideration of the report of the committee to investigate the operations of the Pension Office. The committee reported a substitute for the original resolution introduced, which resolution will require to be amended. I ask that the original and the substitute be read, after which I will indicate the amendment required.

The Clerk read as follows:

Resolved, That Wednesday, the 20th day of July, 1892, be set apart for the consideration of the resolution reported from the special committee on the investigation of the Pension Office, and that at 3 o'clock p. m. of said day the previous question shall be considered as ordered on the resolution, and thereafter no dilatory motion shall be entertained until said resolution shall have been disposed of.

The SPEAKER. The committee report a substitute or a resolution in lieu of that, which the Clerk will now report.

The Clerk read as follows:

Resolved, That Thursday next, immediately after the call of committees for reports, be set apart for the consideration of the resolution reported from the special committee on the investigation of the Pension Office, this order not to interfere with revenue or appropriation bills or conference reports.

Mr. McMILLIN. Mr. Speaker, I understand that there has been a conclusion reached as to the time, fixing it for next Monday.

Mr. BURROWS. That is correct.

Mr. McMILLIN. Then I move to amend the resolution so as to strike out Thursday and insert Monday.

The SPEAKER. That amendment, inserting Monday in lieu of Thursday, will be inserted if there is no objection.

There was no objection.

Mr. McMILLIN. Upon the resolution and amendment I demand the previous question.

Mr. BOATNER. I would like to hear the resolution read as it now stands.

The SPEAKER. The Clerk will read the resolution and amendment.

The Clerk read as follows:

Resolved, That Monday, July 25 next, immediately after the call of committees for reports, be set apart for the consideration of the resolution reported from the special committee on the investigation of the Pension Office, this order not to interfere with revenue or appropriation bills or conference reports.

The previous question was ordered.

The resolution was agreed to.

On motion of Mr. McMILLIN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. COWLES, indefinitely, on account of sickness in his family.

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

COMMITTEE REPORTS.

The SPEAKER. The regular order is the call of committees for reports. The Clerk will call the committees.

The roll of committees was called, when bills of the following titles were severally reported, read a first and second time, and, with the accompanying reports, ordered to be printed:

PUBLIC BUILDING, BRADFORD, PA.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: A bill (S. 902) to provide for the erection of a public building at Bradford, Pa.—to the Committee of the Whole House on the state of the Union.

PAVING STREETS, ETC., KEOKUK, IOWA.

By Mr. ENOCHS, from the Committee on Public Buildings and Grounds: A bill (H. R. 6592) to provide for the payment of one-half the expense of paving streets around the United States court-house, post-office, etc., at Keokuk, Iowa—to the Committee of the Whole House on the state of the Union.

SHIP CANAL FROM PHILADELPHIA ACROSS NEW JERSEY TO NEW YORK BAY.

Mr. BELTZHOVER, from the Committee on Railways and Canals, reported back favorably the bill (S. 3179) authorizing the Secretary of War to cause a survey to be made for a ship canal from Philadelphia across New Jersey to New York Bay; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INVESTIGATION OF LABOR TROUBLES, COEUR D'ALENE REGION.

Mr. TARSNEY. Mr. Speaker, I am directed by the Committee on Labor to report a resolution which I send to the Clerk's desk, in lieu of two resolutions that have been introduced and referred to the Committee on Labor. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will read the resolution which is reported in lieu of the ones referred.

The Clerk read as follows:

Resolved, That a select committee of five be appointed by the Speaker of this House, whose duty it shall be to investigate the causes which have led to the employment of Federal troops or other bodies of armed men in the present difficulties in the Coeur d'Alene region, and the character of such employment.

That said committee have leave to sit during the recess, at such place or places as may be necessary; to send for persons and papers, to administer oaths, to employ a clerk or stenographer, with leave to report at any time. And that for said purpose the sum of \$3,000 be, and the same is hereby, appropriated, to be drawn upon the warrant of the chairman, from the contingent fund of the House.

The SPEAKER. What is the request of the gentleman from Missouri?

Mr. TARSNEY. For unanimous consent for the present consideration of the resolution.

Mr. DINGLEY. Mr. Speaker, what is this?

The SPEAKER. This is a resolution reported from the Committee on Labor. It requires unanimous consent.

Mr. TARSNEY. Mr. Speaker, I can explain it in a moment.

Mr. DINGLEY. Leave has not yet been given for its consideration?

The SPEAKER. No, it has not.

Mr. DINGLEY. I notice a provision in it which changes the rule.

Mr. KILGORE. Has not the regular order been demanded?

The SPEAKER. It has. If it is insisted upon, it is equivalent to an objection.

Mr. KILGORE. I insist upon the demand for the regular order.

The SPEAKER. The resolution then will be referred to the Union Calendar and printed.

PROTECTION OF PROPERTY, ETC., DISTRICT OF COLUMBIA.

Mr. COBB of Alabama, from the Committee on the District of Columbia, reported the bill (S. 267) for the preservation of the public peace and the protection of property within the District of Columbia; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the House Calendar.

Mr. COBB of Alabama. I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The regular order has just been demanded.

Mr. COBB of Alabama. Who demanded it?

The SPEAKER. It was first demanded by the gentleman from Kansas [Mr. SIMPSON], and the gentleman from Texas [Mr. KILGORE] has again demanded it.

Mr. COBB of Alabama. I thought the objection had been withdrawn.

The SPEAKER. The gentleman from Texas has just insisted upon it.

Mr. COBB of Alabama. It is a very important matter, so the judges say.

The SPEAKER. The call of committees for reports has been completed. Under the order adopted the other day, the call rests with the Committee on the Post-Office and Post-Roads, and the question was upon ordering the previous question upon the engrossment and third reading of a House bill.

Mr. DOCKERY. And the yeas and nays had been ordered upon that motion.

The SPEAKER. The Chair will look into that and see. The question was on ordering the previous question on the engrossment and third reading of a House bill, and on that question the yeas and nays were ordered. No quorum appeared; so that the question now recurs on that motion, and unless the vote by which the yeas and nays were ordered is reconsidered the vote must again be taken by yeas and nays.

Mr. McRAE. As a yeas-and-nays vote can have no effect except to deprive the Committee on the Public Lands of the time necessary to take it, I move to reconsider the vote by which the yeas and nays were ordered.

The question was taken, and the motion to reconsider was agreed to.

The SPEAKER. The question now is on ordering the previous question on the engrossment and third reading of the bill.

Mr. BURROWS. Mr. Speaker, the gentleman from Pennsylvania [Mr. BINGHAM] made special opposition to this matter, and I see he is not here. How much time has this committee remaining?

The SPEAKER. Five minutes.

Mr. BURROWS. It seems to me that this bill ought not to be acted upon to-day.

The SPEAKER. The Chair will again submit the question on ordering the previous question upon the engrossment and third reading of the bill.

The question was put, and the Speaker announced that the yeas seemed to have it.

Mr. BURROWS. Mr. Speaker—

Mr. HENDERSON of North Carolina. I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Forty-three gentlemen have arisen in support of the demand for the yeas and nays—a sufficient number.

Mr. BURROWS. The other side, Mr. Speaker.

The other side was counted.

The SPEAKER. Forty-three gentlemen have arisen to sustain the demand, and forty-six opposed to it—a sufficient number, and the yeas and nays are ordered.

Mr. BURROWS. Mr. Speaker, tellers on the yeas and nays.

The SPEAKER (after counting). Thirty-one gentlemen have arisen—not a sufficient number, and tellers are refused.

Mr. BURROWS. Mr. Speaker, would it be in order at this time to move to take a recess?

The SPEAKER. It would.

Mr. BURROWS. I move that the House take a recess for four minutes.

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

Mr. BURROWS. Division, Mr. Speaker.

The House divided; and there were—ayes 9, yeas 64.

Mr. BURROWS. That does not seem to be a quorum.

The SPEAKER. The House refuses to take a recess, and the hour has expired. [Laughter.] The Chair calls the Committee on Public Lands under the order heretofore adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 712) granting a pension to Jane A. Ward, widow of D. A. Ward;

A bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keeves, and T. E. Smith;

A bill (H. R. 1777) to remove the charge of desertion from the record of James M. Thompson;

A bill (H. R. 4378) granting a pension to Benjamin Churchill;

A bill (H. R. 2049) for the relief of Aaron J. Oliver;

A bill (H. R. 8124) to extend the privileges of the transportation of dutiable merchandise without appraisement to the port of Dunkirk, N. Y.;

A bill (H. R. 2100) for the relief of Julius C. Zanone, only heir of John B. Zanone, late of Mound City, in Pulaski County, Ill., deceased;

A bill (H. R. 6891) authorizing the payment of a certificate of indebtedness of the District of Columbia, No. 4087;

A bill (H. R. 3718) granting a pension to Charity W. Clark, mother of Edmond M. Clark, formerly of Company M, Seventeenth Pennsylvania Cavalry;

A bill (H. R. 888) granting a pension to Elizabeth Mohan;

A bill (H. R. 4022) granting an increase of pension to John C. Ford;

A bill (H. R. 3905) granting a pension to Julia Bodley;

A bill (H. R. 7434) for the relief of Jeremiah White, Osage City, Kans.;

A bill (H. R. 5684) to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 6562) granting a pension to William Colvill, of Minnesota;

A bill (H. R. 9018) granting a pension to Mrs. Margaret Brackett;

A bill (H. R. 4034) to increase the pension of John D. Prator;

A bill (H. R. 3203) granting a pension to Nancy Campbell;

A bill (H. R. 4946) to grant a pension to Anna Torrence;

A bill (H. R. 6302) to increase the pension of Louis Badger, late of the Fourth Indiana Cavalry;

A bill (H. R. 5518) to pension Reuben Riggs;

A bill (H. R. 1002) granting a pension to Louis Heninger, of St. Louis, Mo.;

A bill (H. R. 4945) to restore Cynthia E. Brinneman, formerly Tate, to the pension roll;

A bill (H. R. 6142) for the relief of J. D. King;

A bill (H. R. 6563) granting a pension to Louis B. Sharp;

A bill (H. R. 8398) for the relief of Susan Lomasney;

A bill (H. R. 1350) granting a pension to Mrs. Sophia Bruner Heline;

A bill (H. R. 3821) granting a pension to Cecilia White;

A bill (H. R. 5477) to pension Martha A. Beerbower;

A bill (H. R. 6752) granting a pension to Martha J. Griffith;

A bill (H. R. 7042) granting a pension to Thomas Thompson;

A bill (H. R. 7117) granting an increase of pension to Henry Merritt;

A bill (H. R. 8618) granting a pension to Frances B. Wilson;

A bill (H. R. 9332) granting a pension to Joseph J. Granberry;

A bill (H. R. 9581) to provide for the improvement of the outer bar of Brunswick, Ga.; and

A bill (H. R. 7296) granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war.

Joint resolution (H. Res. 80) authorizing the acceptance of medals presented to the officers and crew of the United States steamship Baltimore by the King of Sweden;

It also announced that the Senate had passed bills and a joint resolution of the following titles; in which concurrence was requested:

A bill (S. 3406) to accept a bequest made by Gen. George W. Cullum for the erection of a memorial hall at West Point, N. Y., and to carry the terms and conditions of the same into execution;

A bill (S. 3301) for the erection of a public building at the city of East St. Louis, Ill.

A bill (S. 2766) granting a pension to Thomas C. Ellis; and

Joint resolution (S. R. 104) giving authority for the erection of overhead wires for the illumination of the city of Washington during the encampment of the Grand Army of the Republic during September, 1892.

It also announced that the Senate had passed with amendments bills of the following titles; in which concurrence was requested:

A bill (H. R. 4113) to grant an honorable discharge to George W. Barr from the Army;

A bill (H. R. 2503) for the relief of R. A. Spaulding, administrator of the estate of Solomon Blue, deceased; and

A bill (H. R. 5829) granting a pension to Elizabeth Bowden;

It also announced that the Senate had passed with amendment the bill (H. R. 1084) to remove the charge of desertion now standing against Michael Keefe, deceased, asked a conference with the House on the bill and amendment, and had appointed Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendment the bill (H. R. 4833) to correct the military record of Joseph Wackerley, asked a conference with the House on the bill and amendment, and had appointed Mr. VILAS, Mr. SANDERS, and Mr. DANIEL as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 4827) to confer jurisdiction on the Court of Claims to hear and determine the claim of the heir of Hugh Worthington for his interest in the steamer Eastport, asked a conference with the House on the bill and amendments, and had appointed Mr. VILAS, Mr. SANDERS, and Mr. DANIEL as the conferees on the part of the Senate.

It also announced that the Senate had further disagreed to the amendments of the House of Representatives to the bill (S. 2137) to amend an act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled," approved March 3, 1877, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADDOCK, Mr. SHOUP, and Mr. TURPIE as the conferees on the part of the Senate.

It also announced that the Senate had passed the following concurrent resolutions; in which the concurrence was requested:

Resolved by the Senate (the House of Representatives concurring). That there be printed 30,000 copies of the report of the Monetary Commission created under the joint resolution of August 15, 1876, being Senate report No. 103, second session Forty-fourth Congress, 10,000 for the use of the Senate and 20,000 for the use of the House of Representatives.

Also:

Resolved by the Senate (the House of Representatives concurring). That there be printed of the reports of the Smithsonian Institution and of the National Museum for the year ending June 30, 1891, in two octavo volumes, 10,000 extra copies, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, 5,000 copies for the use of the Smithsonian Institution, and 2,000 copies for the use of the National Museum.

It also announced that the Senate had passed the following resolution:

Resolved. That the Senate recede from its disagreement to the amendment of the House of Representatives to the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes, touching the sale of intoxicants in the Indian country, and for other purposes, and agree to the same.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 2370) for the relief of Nathaniel Lang;

A bill (H. R. 5446) to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians;

A bill (H. R. 5997) to amend section 2 of an act approved May 14, 1880, being "An act for the relief of settlers on public lands;"

A bill (H. R. 6091) to amend "An act to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.," approved August 9, 1888;

A bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keeves, and T. E. Smith;

A bill (H. R. 9332) granting a pension to Joseph J. Granberry;

A bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States;"

A bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico, at the mouth of Ropes Pass, in the State of Texas;

A bill (S. 1230) amending the act of October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein;"

A bill (S. 1722) to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant;

A bill (S. 3154) to amend section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March 2, 1889;

A bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes;

A bill (S. 1040) authorizing the Secretary of War to lease public property in certain cases;

A bill (S. 1039) to define the grade of certain medical officers of the Army, and for other purposes;

A bill (S. 898) to furnish the Gettysburg Battlefield Memorial Association, at Gettysburg, Pa., with specimens of arms, accouterments, etc., used by the armies in the battle of Gettysburg, for exhibition and preservation at the Gettysburg Museum;

A bill (S. 710) providing for the relief of William C. Spencer, of Maryland, late captain Seventeenth Infantry, United States Army;

A bill (S. 620) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890;

A bill (H. R. 1350) granting a pension to Mrs. Sophia Bruner Hineline;

A bill (H. R. 712) granting a pension to Jane A. Ward, widow of D. A. Ward;

A bill (H. R. 1777) to remove the charge of desertion from the record of James M. Thompson; and

A bill (H. R. 6563) granting a pension to Louisa B. Sharp.

Joint resolution (H. Res. 102) requesting the loan of certain articles for the World's Columbian Exposition;

Joint resolution (H. Res. 105) authorizing the Secretary of the Interior to prepare and send to the World's Columbian Exposition models, drawings, etc., prepared or invented by women;

Joint resolution (H. Res. 108) extending the time in which certain street railroads compelled by act of Congress, approved August 6, 1890, to change their motive power from horse power to mechanical power, for one year;

Joint resolution (H. Res. 155) to authorize and direct the Secretary of State to affix the great seal of the United States to a certain document therein stated;

ORDER OF BUSINESS.

Mr. McRAE. Mr. Speaker, I ask unanimous consent that such bills as shall be called up, and which are on the Union Calendar, be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that such bills called up by the Committee on Public Lands as are on the Calendar of the Committee of the Whole House on the state of the Union may be considered in the House as in Committee of the Whole.

Mr. DINGLEY. I object.

SWAMP-LAND CLAIMS.

Mr. McRAE. Mr. Speaker, I call up for consideration the bill (H. R. 9072) to fully adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That when the State of Arkansas shall relinquish, release, and quitclaim to the United States all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, or this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not approved to the State, the Secretary of the Treasury shall, in consideration of said relinquishment, release, and quitclaim of said claims, demands, and lands, require the Treasurer of the United States to cancel and deliver to the governor of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the said Treasurer and owned or held in trust by the United States, as a full and final compromise and settlement of accounts between the said State and the United States.

SEC. 2. That it shall be the duty of the proper officers of the Departments of the Interior and of the Treasury, as soon as practicable, to adjust and settle the claims of the other States against the United States for all lands which have been, or may hereafter be, sold or otherwise disposed of that were included in any grant of swamp and overflowed lands to such States.

SEC. 3. That for all of said lands in any State which were sold for cash the said State shall have credit for the full amount of the purchase money received by the United States, and the same shall be paid over to the governor or treasurer of said State; and for all of said lands in any State otherwise disposed of, and for which indemnity has not heretofore been allowed, such State shall have indemnity in cash, the amount thereof to be limited to the price at which the lands were held at the date of their disposal by the United States, the said indemnity to be paid as herein provided in the cases where lands were sold for cash: *Provided, however, That under no circumstances shall more than \$2,000,000 be paid under the provisions of this act for lands sold or otherwise disposed of since March 3, 1857.*

SEC. 4. That as soon as practicable after the expiration of the time limited by this act for the filing of claims thereunder, the Commissioner of the General Land Office shall ascertain and determine by States the amount of cash indemnity due for lands actually swamp and overflowed within the meaning of the swamp-land grant, and disposed of since March 3, 1857, and shall allot the \$2,000,000, or so much thereof as may be necessary, among the several swamp-land States, pro rata, according to the area of land found to be

swamp or overflowed, and disposed of since said date: *Provided, That the cost of examining and adjusting tracts claimed, but found not to be swamp or overflowed lands, shall be taxed to the State or county presenting the fraudulent or erroneous claim.*

SEC. 5. That the agent appointed by the Department of the Interior to investigate claims under this and prior acts shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law.

SEC. 6. That the Secretary of the Interior, shall, when adjustments and allowance are made by him under this act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such States on account of lands sold or otherwise disposed of, and a description of the lands for which such indemnity is allowed, with the names of the persons to whom sold or patented, and the date the same was sold or patented; and the Secretary of the Treasury shall pay the amount or amounts so allowed, and reported by the Secretary of the Interior, over to the governor or treasurer of the State.

SEC. 7. That the acceptance by any State, or its legal representative, of indemnity for any of the lands sold or located shall be deemed a relinquishment and waiver of all its right, title, and interest in and to such lands in place, and an acknowledgment and confirmation of the title thereto in the grantees of the United States.

SEC. 8. That all claims for land, or other indemnity, under the swamp-land laws or under this act, shall be forever barred, unless presented to the Secretary of the Interior within one year from the passage of this act, or within one year after the survey of the township has been completed.

Mr. DINGLEY. Mr. Speaker, that bill should be considered in Committee of the Whole, as it involves a charge on the Treasury. I desire to suggest to the gentleman from Arkansas that this is too important a bill, involving too large questions, to pass it under the hour rule; and I further suggest that he withdraw it, so that he may call up some matters not so overwhelmingly important as this.

Mr. McRAE. This is of very much more importance than any other measure we have, and I hope the gentleman will withdraw his opposition and let it pass.

Mr. DINGLEY. Too important to be a measure to be considered under this hour rule.

Mr. McRAE. The purpose of the bill is to adjust claims that are of forty years' standing, and it ought to be disposed of, but I am perfectly willing, if the House will consent now, before we go into the committee, that the bill be postponed until Tuesday, the 6th day of December, for consideration. I ask consent to make that motion at this time.

Mr. DINGLEY. Mr. Speaker, I think that had better not be done.

Mr. McRAE. Then it is not consideration that the gentleman so much desires, but he wants to deny consideration. Mr. Speaker, have I not the right to make the motion to postpone the consideration until December next at this time?

The SPEAKER. The Chair thinks not. That is one of the motions that may be made when a bill is under consideration. Under the rules of the House this bill can not be considered in the House until it has had its first consideration in Committee of the Whole.

Mr. McRAE. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

The SPEAKER. The gentleman from Arkansas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill, the title of which the Clerk will read.

The title of the bill was again reported.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN of New Jersey. Does not the bill have to be read in the committee?

The CHAIRMAN. It has. The Clerk will report the bill.

Mr. McRAE. Mr. Chairman, I ask leave to dispense with the first reading of the bill, as it has just been read to the House.

Mr. BUCHANAN of New Jersey. I object.

The bill was again read.

Mr. McRAE. Mr. Chairman, this bill has been debated several times in the House, once during this Congress. In fact in every House since I have been a member of Congress and several prior Congresses similar bills have been considered. I believe it is pretty well understood by all the members of the House. The report upon it has been accessible for some time. I hope it will be promptly reported back to the House with favorable recommendation.

Mr. HENDERSON of Iowa. Mr. Chairman, I ask permission of the gentleman from Arkansas and of the House to have printed in connection with this bill a resolution passed by the Legislature of Iowa upon this subject?

Mr. McRAE. I have no objection, and yield to the gentleman for that purpose.

Mr. HENDERSON of Iowa. It is certified to by the Secretary of State as having passed the last General Assembly.

Mr. McRAE. Mr. Chairman, I do not expect, of course, to be able to pass this bill during this hour if gentlemen on the other side insist upon making all the delay motions they can make. I had hoped that, after the consideration the bill has heretofore had, there would be no objection to it, and that we might come to a vote upon it. I regret that we can not do it, but I will not use up the hour with it. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to have printed in the RECORD a resolution of the State of Iowa in reference to this bill. If there be no objection, that order will be made.

There was no objection.

The resolution is as follows:

CONCURRENT RESOLUTIONS IN RELATION TO THE SWAMP-LAND INDEMNITY.

Whereas the provisions of the act of Congress of March 3, 1855, as extended by the act of Congress of March 3, 1857, granting indemnity to the State for swamp and overflowed lands disposed of by the United States are held not to apply to sales and locations made after March 3, 1857; and

Whereas a large amount of land properly falling to the State and counties in Iowa under the swamp grant had been disposed of by the Government since March 3, 1857, thereby compelling the counties and their grantees to abandon their claim to such lands or litigate with the purchasers of the Government; and

Whereas on the 11th day of January, 1892, the Hon. Mr. McRAE introduced in the House of Representatives in Congress a bill (H. R. 2630) to extend the indemnity provisions of said act of March 2, 1855, and making the same applicable to sales and locations made since March 3, 1857, which bill is pending in Congress.

Whereas under the rulings of the Department certificates called script or indemnity script issued for indemnity for swamp lands located with warrants, can not be located on land outside of the State, and there being no vacant lands in Iowa on which script can be located, many of the counties in this State, after great expense, are unable to realize anything for their swamp lands so disposed of by warrant locations, and by that means are damaged to a large amount: Therefore,

Be it resolved by the senate, State of Iowa, house concurring. That our Senators be instructed and our Representatives in Congress be requested to use all proper and lawful means in their power to secure the passage of said bill (H. R. 2630), or by the enactment in some other bill of provisions substantially therein contained.

Resolved further. That the secretary of state transmit to each of our Senators and Representatives in Congress a copy of this resolution.

We, the undersigned, secretary of the senate and chief clerk of the house of representatives of the Twenty-fourth General Assembly of the State of Iowa, do hereby certify that the above and foregoing is a true, correct, and complete copy of a concurrent resolution that passed the senate and house of representatives of said Twenty-fourth General Assembly of the State of Iowa, which convened on the 11th day of January, and adjourned *sine die* on the 30th day of March, A. D. 1892.

In witness whereof we have hereunto set our hands this 15th day of April, A. D. 1892.

SAMUEL N. PARSONS,
Secretary of the Senate
of the Twenty-fourth General Assembly of the State of Iowa.
CHARLES BEVERLY,
Chief Clerk of the House of Representatives
of the Twenty-fourth General Assembly of the State of Iowa.
THE STATE OF IOWA, Secretary of State.

I, W. M. McFarland, secretary of state of the State of Iowa, do hereby certify that the foregoing is a true copy of concurrent resolutions in relation to the swamp land indemnity, as certified by the secretary of the senate and chief clerk of the house of representatives of the Twenty-fourth General Assembly of Iowa to this department May 4, 1892.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state, May 31, 1892.

Done at Des Moines, the capital of the State.
[SEAL.]

W. M. McFARLAND,
Secretary of State.
By C. S. BYRKET, Deputy.

Mr. McRAE. I move that the committee rise and report the bill back to the House, with a recommendation that it be postponed until Tuesday, the 6th day of December.

Mr. DINGLEY. Mr. Chairman, I make the point of order that that motion is not in order at the present time.

The CHAIRMAN. The gentleman from Arkansas moves that the committee rise and report the bill to the House with the recommendation that its consideration be postponed until the 6th day of December next.

Mr. DINGLEY. Mr. Chairman, is that motion in order at the present time? We are in general debate, and there are several gentlemen who desire to be heard on this bill.

Mr. McRAE. The point of order, I think, is not well taken, because this motion is not the subject of general debate, but of only very limited debate, which is entirely in the discretion of the Chair, and certainly when the bill is called up for consideration under a special order of this kind, that discretion should be exercised liberally, so as to allow the question to be voted upon, and not allow the time to be exhausted in debate designed for delay.

Mr. DINGLEY. Not until general debate has been had. We are now under the rules of general debate in Committee of the Whole, and any motion that is applicable, whether of amendment or otherwise, except simply the motion to report the bill back to the House, is not in order until after general debate.

The CHAIRMAN. If the gentleman from Maine can refer to any decision, the Chair will be glad to have the reference.

Mr. DINGLEY. I refer the Chair to the rules of the House which control the consideration of bills in Committee of the Whole, which provide first, for general debate, and secondly, for the consideration of bills by sections for amendment. We are now in the stage of general debate; it has not yet been closed by order of the House, and no motion is in order except a motion to rise, until general debate has been concluded.

The CHAIRMAN. The Chair has not heard any gentleman claim the floor for the purpose of general debate.

Mr. DINGLEY. There has been no opportunity because the gentleman from Arkansas [Mr. McRAE] has held the floor. Mr. Chairman, I ask the floor for the purpose of general debate.

Mr. McRAE. Mr. Chairman, the motion that I make is to postpone consideration, and it is absurd to say that it can not be entertained until after consideration. It is a motion of high privilege and not itself the subject of general debate. I made it during my time, for the purpose of fixing a day for the consideration of the bill, so as to allow ample time for general debate. I submit that it is in order at this time.

The CHAIRMAN. The Chair will have read by the Clerk paragraph 5, of Rule XXIII.

The Clerk read as follows:

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

The CHAIRMAN. The rule just read provides that when general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer. The Chair thinks that the motion of the gentleman from Arkansas [Mr. McRAE] is not in order until general debate has been closed by order of the House.

Mr. McRAE. I would appeal if I had time to do so.

Mr. DINGLEY. I claim the floor for general debate.

Mr. McRAE. I believe I have the floor, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas has the floor for general debate.

Mr. DINGLEY. I supposed the gentleman had concluded. I have no desire to interfere with his completing his arguments.

Mr. McRAE. Mr. Chairman, is it in order to move to close general debate by the committee?

The CHAIRMAN. It is not.

Mr. McRAE. Then I move that the committee rise.

The question was taken on the motion of Mr. McRAE, and there were—ayes 76, noes 0.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCREARY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 9072) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes, and had come to no resolution thereon.

Mr. McRAE. Is it in order, Mr. Speaker, to move to postpone the consideration of this bill to a day certain.

Mr. DINGLEY. Mr. Speaker, the bill is still in Committee of the Whole.

The SPEAKER. The Chair will state to the gentleman from Arkansas that this bill is still in Committee of the Whole. It has not been reported back to the House, and, until it gets back into the House by a report from the Committee of the Whole, it is not in order to make any motion respecting it in the House.

Mr. McRAE. Then I withdraw the bill, Mr. Speaker, and will call up another.

REIMBURSEMENT OF DES MOINES RIVER SETTLERS.

Mr. McRAE. I call up the bill (H. R. 8151) to reimburse the Des Moines River settlers, and for other purposes.

The Clerk proceeded to read the bill, but was interrupted by Mr. McRAE, who said: Mr. Speaker, this bill is in Committee of the Whole; and as I presume gentlemen will insist upon having it considered in committee, I move that the House resolve itself into Committee of the Whole for its consideration.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. McCREARY in the chair), and proceeded to the consideration of the bill (H. R. 8151) to reimburse the Des Moines River settlers, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of reimbursing bona fide settlers, their heirs and assigns, who, being duly qualified thereunto, have, under the

homestead preemption, or other public land laws, entered or filed upon lands included in the grant made by an act entitled "An act granting certain lands to the Territory of Iowa to aid in the improvements of the navigation of the Des Moines River, in said Territory," approved August 8, 1846, and by the "Joint resolution to quiet title to lands in the State of Iowa," approved March 2, 1861, against which settlers, their heirs or assigns, judgments have been rendered by the United States circuit court on account of the priority of said grant, the Secretary of the Interior is hereby directed to cause to be made a list of all such settlers, and the lands entered by them, with the date and character of entry.

SEC. 2. That within one year after the passage of this act those entitled to be reimbursed under it shall make proof, in such form as the Secretary of the Interior shall prescribe, of the good faith, qualifications, date, character, and extent of their entries, or of the settlers under whom they claim, and of full compliance with the law under which they claim, and also of the judgment against them, in a bona fide controversy, on the ground of the priority of the grant made by said act and resolution to the filing, entry, or purchase by the claimants or their grantors.

SEC. 3. That it shall be the duty of the Secretary of the Interior to adjust the amount due to each claimant on the basis of the value of the land to which his or her title shall have failed as aforesaid, the value to be ascertained by appraisal under such rules as he may prescribe. He shall then make a requisition upon the Treasury for the sum found to be due, and shall pay the same to him or her, taking such release, acquittance, or discharge as shall forever bar any claim against the United States on account of the failure of the title as aforesaid.

SEC. 4. That when any settler who made entry, his or her heirs or assigns, shall prove to the satisfaction of the Secretary of the Interior that his or her case is like the case of those described in the preceding section of this act, except that he or she has not been sued and subjected to judgment, said Secretary shall pay to such person the appraised value thereof, taking his or her release therefor as hereinbefore provided.

SEC. 5. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. McRAE. I yield to the gentleman from Iowa [Mr. SEERLEY].

Mr. SEERLEY. Mr. Chairman, the controversy in reference to the "Des Moines River Lands" has, in some form or other, been before Congress at nearly every session since the passage of the original act. All the questions in dispute have now been settled by the Supreme Court of the United States.

This bill is intended to do justice to the settlers who have lost their homes, not because of any act of theirs, but by reason of the failure of the title of the United States. The Government of the United States offered these lands, the title to which has failed for entry and sale, and should now recompense the settlers against loss. All of these lands are situated in the northwestern part of the State of Iowa, and the facts are very familiar to my colleague from Iowa [Mr. DOLLIVER], and I yield him now such time as he may desire to explain the bill, reserving the rest of my time.

Mr. DOLLIVER. Mr. Chairman, I think that if the House will give me its attention I can state in three minutes the exact case presented by this bill. In 1846 the United States made a grant to the State of Iowa in trust for the improvement of the Des Moines River. The grant embraced the odd sections on each side of that river. The terms of the grant were ambiguous, the United States Land Office holding at one time that the grant extended to the Minnesota line, and again, that it ended at the mouth of the Racoon Forks, where the city of Des Moines now stands.

By invitation of the United States scores of honest settlers made entry upon lands embraced in the disputed tract under the homestead and preemption laws of the United States and took title from the United States under these laws. The local land offices were directed to open these lands to settlement. In the district which I have the honor to represent there are scores of old men living to-day who hold patents to these lands from the United States, solemn acts of the Government, signed by Abraham Lincoln, conveying these homesteads. These men who went upon the public lands of the United States and made settlement by invitation of the Government have been driven from their homes by the adverse judgments of the United States courts in favor of the Des Moines Navigation and Railroad Company and its grantees.

At least two railroad land grants overlapped the river improvement grant, which, being prior in time, has held the title, and every railroad that was injured by those decisions has been indemnified by the Congress of the United States. There is not in the history of the land laws of this country a case which presents so many of the elements of hardship and oppression as the long indifference of the United States to the failure of title of the settlers who went upon these lands by the invitation of the Government and who hold the Government patent therefor.

Mr. McMILLIN. There was confusion, and I was not able to hear the reading of the bill. I wish to inquire at what rate per acre indemnity is proposed to be made to these settlers?

Mr. DOLLIVER. In drafting the bill, I have followed the phraseology of the proposed act of the Forty-third Congress in relation to this subject, which proposes to buy out the railroad title to these lands, authorizing the Secretary of the Interior to inquire, fix, and determine the reasonable value of the lands. That bill passed this House in 1874 and was an indemnity bill

based on the official report of the commissioners appointed, under the act of March 3, 1873, to estimate the value of these lands and to enumerate the persons entitled to relief. The amount then found necessary to reimburse these settlers was \$404,228. It is obviously impossible to determine without the official inquiry which this bill proposes the parties now entitled to indemnity or the amount to which each is entitled.

Mr. McMILLIN. Then the bill does not fix the value of the lands at all? I think it rather a loose way of doing business.

Mr. DOLLIVER. By no means.

Mr. McMILLIN. It leaves that discretionary with the Secretary of the Interior.

Mr. DOLLIVER. It requires the Secretary of the Interior to fix the value of these lands by appraisal or otherwise.

Mr. McMILLIN. As of what date is the value to be fixed?

Mr. DOLLIVER. These people went upon these lands when they were a frontier wilderness; they have made their homes there; they have brought up their families there; they have buried their dead upon these homesteads; and I propose that the Congress of the United States, failing to secure to them their homes, shall give them their present reasonable valuation.

Mr. McMILLIN. But the gentleman has not answered the question I asked. My question was, what time is to be selected in fixing the assessment or valuation—the present time?

Mr. DOLLIVER. The bill fixes the time. Many of these people were ejected from their homes by the adverse judgment of the courts; many of them until the recent decision of the Supreme Court of the United States kept possession of their homes.

Mr. McMILLIN. Then the present value of the land would be the test?

Mr. DOLLIVER. That question is answered by the language of the bill.

Mr. McMILLIN. Do you propose by this bill to make reimbursement in money to these settlers who are not yet ousted? They would then get both money and be holding on to the land.

Mr. DOLLIVER. I propose that we shall give to the homestead settlers the present value of their homes, if they have not as yet been ejected under the adverse finding of the courts.

Mr. McMILLIN. What amount of money will it take to meet the requirements of the bill?

Mr. DOLLIVER. The estimate made by the commissioners, to which I have alluded, named the probable amount needed.

Mr. McMILLIN. You have no estimate of the amount?

Mr. DOLLIVER. In the Forty-second Congress, as I have said, an act was passed authorizing the President to appoint a commission to determine the valuation of these lands and the losses incurred by these people. The President appointed such a commission; and the amount they reported was \$404,000. I do not believe a less sum will be required now, though, of course, I can not speak with certainty. I wish, however, to remark to my friend from Tennessee that in 1814, by exactly such an act as this, Congress paid \$5,000,000 to indemnify settlers upon the Yazoo grant in Mississippi; and again and again during the land history of this country the law has intervened to save to the homestead settler the value of his home. I only ask this House to do for these poor men what it has never failed to do for an Indian tribe or for a railroad corporation.

Mr. McMILLIN. Did the Government give the railroad companies money or other land in lieu of that of which they were dispossessed?

Mr. DOLLIVER. It gave them an exact indemnity, land for land.

Mr. HENDERSON of Iowa. And you have followed the language of the statute to indemnify the railroad companies?

Mr. DOLLIVER. Yes, sir; I have thought these settlers entitled to a fair application of the same principle.

Mr. BAILEY. I would like to ask the gentleman a question. The objectionable feature of this bill to me is that it proposes a different measure of damages as between the citizens of Iowa and the Federal Government from what the State of Iowa has established as between her own citizens. In other words, if I were a resident of Iowa and sold to the gentleman a tract of land from which he was ejected in consequence of failure of the title which I had undertaken to guarantee to him, he could recover from me, as I understand the law of his State, only the amount he had paid me with interest, without regard to the value of the land at the time indemnity was made. But here it is proposed to compel the Federal Government to pay the present value of the land without regard to its original cost and the amount of the interest.

Mr. DOLLIVER. Mr. Speaker, without arguing that question, it seems to me clear that in law and equity dealings between individuals stand on a different footing from dealings between a sovereign nation and its people.

Mr. BAILEY. But suppose the State of Iowa could be sued

and were ejected and recovered judgment against the person who had undertaken to convey title to her?

Mr. DOLLIVER. In that case the State would recover the value of the land and the improvements.

Mr. BAILEY. Then they would have to make a different law from what they have now.

Mr. DOLLIVER. I do not believe that either a State or the nation ought to invite a citizen to buy land and live upon it, making it his home for thirty years, and then turn him off by paying him simply \$1.25 per acre, with or without interest. I do not believe any such proposition as that appeals to any man's sense of equity. I will say again, that from 1814 until the present day, the statute books are filled with settlements in cases of this kind upon exactly the basis which I propose in this bill.

Mr. BAILEY. Will the gentleman permit me to say that the transaction involved in the act of 1814 was one of the most scandalous "steals" that ever disgraced the American Congress? The Yazoo grant, to which the gentleman has referred, culminated in the impeachment of several of the members of the Legislature of the State of Georgia.

Mr. DOLLIVER. That was on account of the suspicious character of the land grant and not on account of the act of justice to the settlers, whose homes were lost by the failure of the Government's patent for the lands.

Mr. BAILEY. No, sir; but on account of fraud connected with the granting act.

Mr. DOLLIVER. The same smell of fraud hangs about the land grant of 1846 and I, for one, should be glad to see the fraud of the original Des Moines River grant laid bare and its beneficiaries exposed. That scandalous chapter in the land history of the United States is closed. Let us now do a final act of justice to the men who have suffered by the fraudulent land grant of 1846.

Mr. DICKERSON. How many acres are involved in this controversy?

Mr. DOLLIVER. I am not able to state the exact number of acres; it is impossible to tell, as settlements have been made in many cases.

Mr. DICKERSON. Does the statute of limitations run in these cases?

Mr. DOLLIVER. The statute of limitations, in my judgment, should never be invoked against the citizen in favor of the Government, in order to escape the obligation of justice.

Mr. DICKERSON. I mean, does not the statute of limitations run in favor of the settler against the railroad company?

Mr. DOLLIVER. That has been a question for the courts. The rights of these settlers were determined last January by a judgment of the Supreme Court of the United States. The United States never gave up the claim to this land at all; but last year went into the Supreme Court through its Attorney-General; and that tribunal, in the case of the United States vs. The Des Moines Navigation Railroad Company, rendered a decision adverse to the Government and adverse to these settlers. So that this is the only remedy now left.

Mr. DICKERSON. The only title that these parties could claim would be under the original patent, which was not a guaranty or warrant of title. What are the clauses in the original patent, as to a guaranty of title?

Mr. DOLLIVER. It was a patent in the ordinary form.

Mr. DICKERSON. But my suggestion is that the Government did not warrant any title.

Mr. DOLLIVER. Of course not. The Government never warrants anything. But the Government of the United States can not afford to rob its citizens.

Mr. DICKERSON. But it must be assumed that persons who purchase under titles or warrants from the United States are supposed to purchase on due notice as to the conditions on which the grants were made.

Mr. DOLLIVER. The Government can not afford to permit an injustice of this kind to be done towards even the humblest of its citizens. Every person who purchases land under such circumstances has a right to take the Government title as a good title.

Mr. DICKERSON. But the purchaser must be on his guard as to the ascertainment of the title.

Mr. DOLLIVER. These patents were issued under the land laws of the United States, and if they carry no title with them the United States ought to stand ready to make it good in the full measure of justice.

Mr. DICKERSON. Well, this is simply a quitclaim, not a patent.

Mr. DOLLIVER. No, it is a patent from the United States.

Mr. BAILEY. If the gentleman from Iowa will permit me this further question: In the adjustment of this matter, as between the Federal Government and the people, there is no proposition as I understand it to account for rents and profits, but that

the people shall have the enjoyment and possession of the lands from the time they acquired their title until judgment, and some of them holding against the decisions and judgment of the court. Now, they want the value of the land they held without accounting for rent?

Mr. DOLLIVER. My friend, these people have spent the most of the last thirty years "waiting for the next term of the court." If you knew their situation, the amount of money that they have spent in litigation, and their efforts to redress the wrong under which they have suffered, you would not find it necessary to ask that question.

Mr. BAILEY. But if the gentleman will permit me, I believe this is a case in which the Government ought to finally reimburse the settlers.

Mr. DOLLIVER. Undoubtedly.

Mr. BAILEY. But while I believe there have been the most egregious frauds practiced by the incorporators of this Des Moines River Company, yet the settlers purchased under what was supposed to be the order or patent of the Government. My objection, however, is—and I want the gentleman from Iowa to understand that I am perfectly willing the Federal Government should give back what it wrongfully obtained—my objection is it establishes as between the Federal Government and the citizens of Iowa a measure of damages different from and greater than that which is established by the State itself between the State and its own citizens.

It does not occur to me that any different rule ought to obtain in the two cases; because whatever the Federal Government does is done as a matter of justice and not as a matter of legal obligation on its part toward these people. The Federal Government will lose nothing to which it is rightfully entitled. It has received something for nothing. It took the money of these people and granted them a patent which was void, the land having been granted under former patents. It should, therefore, make a fair compensation to these people, but it should not establish a principle in making its settlement entirely different from that established by the State of Iowa itself.

Mr. SEERLEY. You will admit that this is the rule which is always established by the Government for settling such controversies.

Mr. BAILEY. I do not recollect a different one. But the gentleman will permit me to say that the State of Iowa, asking justice from the Federal Government for her people, ought to ask the Government to give exactly that measure of justice which she metes out to her own citizens in controversies with each other.

Mr. SEERLEY. I yield two minutes to the gentleman from Iowa [Mr. HENDERSON], after which I will move that the Committee rise and report the bill to the House.

Mr. HENDERSON of Iowa. Mr. Chairman, there is very little I want to add to what has been said on the subject, save that these people came into possession of their homes on these lands in good faith, believing they had a good title to these lands. They held what they believed to be the sacred patent of the Government. If you say let the Government give them lands elsewhere, the answer is that they are not to be found on this broad continent. There is nowhere else for them to go, and the only thing to be done is for the Government to do justice to these men by giving them the full value of their lands. That is all I wish to say except that I hope the bill will pass.

Mr. SEERLEY. I move that the committee rise and report the bill favorably to the House.

The question was taken; and on a division demanded by Mr. DICKERSON there were—ayes 61, noes 2.

So the motion was agreed to.

Mr. McMILLIN. What was the announcement?

The CHAIRMAN. Ayes 61, noes 2.

Mr. McMILLIN. There is no quorum.

Mr. BURROWS. It is too late to make the point.

Mr. McMILLIN. I rose in time. I asked what the announcement of the Chair was.

Mr. BURROWS. But the Chair had made the announcement and made it very distinctly.

The CHAIRMAN. But if the gentleman from Tennessee states that he addressed the Chair for that purpose, the Chair will, of course, recognize his right.

Mr. McMILLIN. I addressed the Chair for the purpose of asking what the announcement of the vote was. As soon as I ascertained what it was, after the Chair responded to my query, I made the point of no quorum.

Mr. BURROWS. If the gentleman states that he rose for the purpose of making that point, of course it is the gentleman's right.

Mr. SEERLEY. But I wish to ask if the gentleman from Tennessee did not first address his question to the gentleman from Kentucky [Mr. DICKERSON] to ask if he intended to make the point of no quorum?

Mr. DICKERSON. That was after he rose.

Mr. McMILLIN. That was after I had made the inquiry as to the announcement.

Mr. SEERLEY. You asked him if he would not make the point of no quorum.

Mr. DICKERSON. After he had asked for the announcement.

The CHAIRMAN. The gentleman from Tennessee makes the point of no quorum.

Mr. McRAE. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCREARY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8151, and had come to no resolution thereon.

Mr. McRAE. I desire to withdraw the pending bill.

The bill was withdrawn.

SCHOOL OF MINES, COLORADO.

Mr. McRAE. Mr. Speaker, I now call up the bill (S. 1374) to aid the State of Colorado to support a school of mines. If the point is made that it shall receive its first consideration in Committee of the Whole, I move that the House resolve itself into Committee of the Whole.

The SPEAKER. Does it carry an appropriation?

Mr. McRAE. It is on the Union Calendar.

The SPEAKER. The gentleman from Arkansas moves that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill which the Clerk will read.

The bill was read, as follows:

Be it enacted, etc., That the State of Colorado shall annually receive 50 per cent of all moneys paid to the United States for mineral lands within the State of Colorado, for the maintenance of the school of mines established at Golden, in the county of Jefferson, in said State: *Provided,* That said sum so to be paid shall not exceed the sum of \$12,000 per annum, nor shall it exceed the amount annually expended by the State of Colorado for said school of mines.

SEC. 2. That before any money shall be paid to the State under the provisions of this act, the Secretary of the Interior shall certify to the Secretary of the Treasury that the State of Colorado is maintaining a school of mines at said place, in which students in attendance are given instruction in chemistry, metallurgy, mineralogy, geology, mining, mining engineering, mathematics, mechanics, and drawing, and that the students in attendance from other States than Colorado are received into said school of mines on the same terms and conditions that the students from the State of Colorado are received.

SEC. 3. That the board of trustees of said school of mines shall make a report each year to the Secretary of the Interior of the number of students in attendance at such school of mines, the States of which they are inhabitants, and the general course of studies pursued in said school, and the amount expended in the support of said school.

Mr. DICKERSON. I would like to ask for an explanation of that bill.

Mr. McRAE. I yield to the gentleman from Colorado [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, I desire to say that this bill has passed the Senate twice unanimously, has been reported twice from the House committees to different Congresses. The proposition is to assist in the support of the State school of mines which has been in operation in Colorado for seventeen years. The State has appropriated over \$300,000 for the support of that school and has appropriated \$35,000 a year; and in order to make some improvements, to accommodate the large attendance at the school, it is asked that \$12,000 out of the proceeds of the sale of mineral lands in the State of Colorado be granted by that Government to assist the State in the support of that school. The State appropriates a certain amount to the buildings, and I suppose it will appropriate the same as it has heretofore. It has appropriated \$35,000 per year for the school.

Mr. DICKERSON. Then, as I understand, it is for the purpose of aiding and maintaining a mineral school in Colorado?

Mr. TOWNSEND. It is.

Mr. DICKERSON. Then this is about the same idea as the Blair bill?

Mr. TOWNSEND. Well, I do not know about the Blair bill, but the idea is as I have given it to you.

Mr. DICKERSON. Is there any one of the older States that has such a provision as that for the maintenance of a mineral school?

Mr. TOWNSEND. I do not know whether they have or not.

Mr. BLOUNT. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLOUNT. It is that we would like to be able to hear the gentleman and can not on account of the confusion.

The CHAIRMAN. The point of order is well taken.

Mr. TOWNSEND. I desire to say that this bill—

Mr. DICKERSON. I desire to suggest to the gentleman that the State of Missouri has a very superior mining school, and so far as I know no provision has been made in its favor by the Congress of the United States, such as he seeks to bestow upon the mining school of the State of Colorado.

Mr. DICKERSON. Now, I ask the gentleman from Colorado if it is not a fact that California maintains one of these schools without any assistance from the Government; and if that is true, why should Colorado obtain assistance from the Government that is not granted other States?

Mr. JOSEPH. New Mexico has one of these schools.

Mr. TOWNSEND. I do not know about the other schools, but I do know this, that this comes out of the proceeds of the sales of the mineral lands in Colorado, and is not an expense to the Government.

Mr. DICKERSON. But still it would go into the Treasury, would it not?

Mr. TOWNSEND. It is to be taken from the sale of these public lands, and I understand that last year the amount was about \$130,000.

Mr. DICKERSON. But that would otherwise go into the Treasury of the United States?

Mr. TOWNSEND. That is correct. Mining is the principal industry in our State. The necessity for educating men on the subject of mining is of very great importance, and free admission to the school gives an equal opportunity to everybody. No fee whatever is charged for admission. This is a school of technology patterned after the school at Freiberg; it is of the utmost importance to that section, and the State very badly needs this assistance in supporting that school for the benefit of all. It is now attended by a large number of scholars from outside of the State of Colorado—from all sections of the country—and is probably, although I do not desire to say anything about any other schools, the most perfect school for the education of mining engineers for the study of geological formation, chemistry, mineral formation, and the reduction of ores, and all these questions in the whole country.

Mr. DICKERSON. How is it maintained?

Mr. TOWNSEND. The State of Colorado has appropriated in all over \$300,000 for it; and in the judgment of the managers of the school it is believed to be necessary on account of the enlarged attendance to have additional buildings.

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

Mr. TOWNSEND. Certainly.

Mr. McMILLIN. What obligation is there on the part of the Government to sustain one school rather than another in the United States out of the proceeds of the public lands? Colorado gets the same proportion from the sale of public lands to establish agricultural colleges that other States do. Now, what obligation are we under, or where is the justice of giving such aid to Colorado and not giving it to Washington, Nevada, Tennessee, or to numerous other colleges?

Mr. TOWNSEND. Well, in view of the fact that the industry of mining in the State of Colorado is very great, I think it should be given to that State.

Mr. McMILLIN. But they are very great also in Montana, in New Mexico, and in Washington.

Mr. TOWNSEND. I am perfectly willing, so far as I am concerned, to give a like appropriation out of the sale of mineral lands in any other State.

Mr. McMILLIN. That is the point. If you undertake to give to every such institution in every State in the Union, then you will swell your appropriation very largely; if you do not deal with all alike, you are unjust.

Mr. TOWNSEND. But there are no mineral lands for sale in most of the States.

Mr. McMILLIN. But the mineral lands in all the States are the common property of the people of the whole United States and not merely of the people in the particular States where they may be situated.

Mr. TOWNSEND. I am aware of it.

Mr. DICKERSON. Let me ask the gentleman a question. If we favor in this way the States where mining is the principal interest, why ought we not, in justice, go to the manufacturing States of the Union and inaugurate schools there for the purpose to training mechanics, and so on as to all other special interests?

Mr. TOWNSEND. I shall have to let the gentleman himself answer that question.

Mr. DICKERSON. That is the trouble about this kind of legislation. It sets a precedent which would justify every State in

making a demand to have its special interests aided and developed by special schools. It is class legislation.

Mr. TOWNSEND. Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

Mr. DICKERSON. I move to amend that motion. I move that the bill be reported adversely to the House.

Mr. McRAE. Mr. Chairman, I move that the committee rise. The motion of Mr. McRAE was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McRAE, from the Committee of the Whole, reported that they had had under consideration a bill (S. 1374) and had come to no resolution thereon.

EXAMINATION AND CLASSIFICATION OF CERTAIN MINERAL LANDS IN MONTANA AND IDAHO.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 8796) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed, as speedily as practicable, to cause all lands in the States of Montana and Idaho within the land-grant and indemnity land-grant limits of the Northern Pacific Railroad Company, as defined by an act of Congress entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1894, and acts supplemental to and amendatory thereof, to be examined and classified by commissioners to be appointed as hereinafter provided, with special reference to the mineral or nonmineral character of such lands, and to reject, cancel, and disallow any and all claims or filings heretofore made, or which may hereafter be made, by or on behalf of the said Northern Pacific Railroad Company on any lands in said States which upon examination shall be classified as provided in this act as mineral lands.

SEC. 2. That for the purpose of making the examination herein provided for, there shall be appointed by the President of the United States, as soon as practicable after the passage of this act, three commissioners for each of the following land districts, to wit: The Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Coeur d'Alene land district in the State of Idaho, at least one of whom for each district shall be a practical miner and a resident of such district, and said persons so appointed for each district shall constitute a board of commissioners to perform within such district the duties herein prescribed. They shall each receive for their compensation such sum as may be allowed by the Secretary of the Interior, not exceeding their actual expenses, and in addition thereto such further sum, not exceeding \$10, for each day they may be actually engaged in the performance of their duties, and their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. Said commissioners shall make examination of the lands herein mentioned within their respective districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned within their respective districts, as provided in this act. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of said commissioners in each district shall control in all matters herein provided for. Not more than two of the commissioners in any one district shall be appointed from the same political party.

SEC. 3. That all lands shall be classified and taken to be mineral lands under this act which prior to the passage of this act have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time and money upon them with the reasonable expectation of finding mineral in paying quantities, or which from their geological formation, or their situation or proximity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same. The classification herein provided for shall be by sections where the lands have been surveyed, unless there are such differences in the situation or character of different parts of the same section as in the opinion of the commissioners to require its classification by quarter sections; and in no case shall any subdivision of less than a quarter section be made for classification upon surveyed lands. If the lands examined are not surveyed, classification shall be made by tracts of such extent, and designated by such natural or artificial boundaries to identify them as the commissioners may determine. Where mining locations have been heretofore made or patents issued for mining ground in any section of land, this shall be taken as *prima facie* evidence that the whole of such section is mineral land: *Provided*, That the word "mineral," where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

SEC. 4. That such of the lands herein mentioned as have been surveyed prior to the passage of this act shall be first examined and classified as herein provided, and afterwards, and as speedily as practicable, the lands herein mentioned which have not been surveyed, until all the lands herein mentioned shall have been examined and classified, as herein provided.

SEC. 5. That said commissioners shall, on or before the 5th day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly, by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments, to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct

to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the Interior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in the county in which the land is located, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report, and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by and conducted before the said register and receiver, under rules and regulations as near as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases; and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding \$25 per day, to be paid out of the fund provided for the examination and classification of said mineral lands.

SEC. 6. That as to the lands against the classification whereof no protest shall have been filed as hereinbefore provided, the classification, when approved by the Secretary of the Interior, shall be considered final, except in case of fraud, and all plats and records of the local and general land offices shall be made to conform to such classification, and as to the lands against the classification whereof protests may be filed, the final ruling made after the day set for hearing shall determine the proper classification, and all records of the local and general land offices shall be made to conform to the classification as determined by such final ruling, and all costs of such hearings shall be paid by the unsuccessful party, under such rules as the Secretary of the Interior may prescribe; and the Secretary of the Interior is hereby authorized to establish such rules and regulations as may be necessary to carry into effect the true intent and provisions of this act as speedily as practicable.

SEC. 7. That no patent or other evidence of title shall be issued or delivered to said Northern Pacific Railroad Company for any land in said States until the examination and classification provided for in this act shall have been made, and such patent or other evidence of title shall only issue then to such land, if any, in said States as said company may be, by law and compliance therewith and by the said classification, entitled to, and any patent, certificate, or record of selection, or other evidence of title or right to possession of any land in said States, issued, entered, or delivered to said Northern Pacific Railroad Company in violation of the provisions of this act shall be void: *Provided*, That nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said Northern Pacific Railroad Company, or as waiving or in anywise affecting any right on the part of the United States against the said Northern Pacific Railroad Company to claim a forfeiture of any land grant heretofore made to said company.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$80,000, or so much thereof as may be necessary, to be expended to carry into effect the provisions of this act, the same to be paid out upon the order of the Secretary of the Interior.

Mr. McRAE. I yield to the gentleman from Montana [Mr. DIXON].

Mr. DIXON. Mr. Speaker, the situation that calls for the passage of this bill is about this. In the Northern Pacific Railroad land grant in Idaho and Montana there are nearly 20,000,000 acres of land. A portion of that is mineral land. Mineral lands are excepted from the grant, but the mineral lands lying there in the mountain sections of that region have not, as a rule, been surveyed.

There are about 4,000,000 acres of those lands in Montana within the Northern Pacific grant, and about a million or more acres in Idaho that have never been surveyed. The consequence is that it is impossible to tell what portion of the land is odd sections and what even sections, and what is mineral land and what is not mineral. The object of this bill is to provide for the appointment of a commissioner for the purpose of examining and classifying these lands, not by sections where they are surveyed, but by tracts the lands that are not surveyed, in order that the Government and miners and prospectors may know what lands are to be regarded as mineral, and what are not. Of course this will involve some expense, but the result will be of great benefit, not only to the miners and prospectors, but the Government itself.

Mr. DICKERSON. Has there been no geological survey of that section of the country?

Mr. DIXON. There has been to some extent, but it does not classify the lands in this respect.

Mr. WILSON of Washington. Does this bill apply to indemnity lands in Idaho and Montana alone?

Mr. DIXON. Yes, sir.

Mr. WILSON of Washington. Why was not the bill drawn so as to apply to the lands upon which a large number of settlers have been living for fifteen or twenty years in the State of Washington?

Mr. DIXON. Because this applies only to mineral lands.

Mr. McCREARY. The Geological Survey does not classify the land, and the object of this bill is simply to appoint a commissioner to classify these lands to which the gentleman has referred. That, I understand, is all there is in the bill.

Mr. DIXON. That is it; in order to keep the railroad from acquiring these lands. Although mineral lands are excepted

from the grant, the railroad company claims that where the land was not known to be mineral land when they filed their map in 1882, it belongs to them under the grant, even though it has since been discovered to be mineral land. There are thousands of acres of valuable mineral lands in that region that are claimed now by the railroad company under the grant, upon the ground that the mineral character of the land has been discovered since the map of location was filed, and to prevent the company from acquiring title to those lands under the grant is one of the principal objects for which this bill is desired.

The SPEAKER. The time under the rule has expired.

Mr. MCCREARY. Mr. Speaker, if it is in order I ask unanimous consent that the gentleman [Mr. DIXON] be allowed five minutes more for the purpose of getting a vote upon the bill.

The SPEAKER. This bill is in Committee of the Whole.

Mr. MCCREARY. It is in the House as in Committee of the Whole.

The SPEAKER. The bill is in Committee of the Whole.

Mr. BURROWS. Let us have the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

MEMORIAL HALL, WEST POINT, N. Y.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3406) to accept a bequest made by Gen. George W. Cullum for the erection of a memorial hall at West Point, N. Y., and to carry the terms and conditions of the same into execution.

Mr. HENDERSON of Iowa. I hope that will be granted. It is simply a bill to accept a gift.

Mr. OUTHWAITE. It is a bill accepting a bequest of \$250,000 for the erection of a memorial hall at West Point, N. Y.

The bill was read, as follows:

Whereas George W. Cullum, colonel of the Corps of Engineers on the retired list, brevet major-general United States Army, a resident of the city of New York, lately deceased, did, by his last will and testament, give and bequeath to the United States the sum of \$250,000 upon the terms and conditions that the United States shall build and maintain, in accordance with certain stipulations, upon the public grounds at West Point, N. Y., a fireproof memorial hall for certain designated purposes hereinafter specified: Therefore,

Be it enacted, etc., That the said bequest be, and the same hereby is, accepted by the United States under the terms and conditions thereto annexed by the said testator in his said last will and testament; the said sum of \$250,000 to be paid into the Treasury of the United States, subject to the disposition hereinafter to be made of the same and for the faithful execution of the objects and purposes of said bequest according to the will of the donor.

Sec. 2. That the Superintendent of the United States Military Academy, three other members of the academic board, and Maj. Gen. James B. Fry, during his lifetime, be, and they are, constituted a board, by the name of "The board of trustees of the memorial hall of the United States Military Academy," whose duty it shall be to erect the said memorial hall according to the provisions of the will of the testator, and on completion thereof to transfer the same to the United States for perpetual use as a memorial hall, to be devoted to the objects and purposes as defined in the said will. And the members of the said board of trustees, to be selected as aforesaid, shall be appointed, immediately upon the passage of this act, by the Secretary of War, from members of the academic board of the said Academy who are graduates thereof. And in the event of any vacancy occurring in the said board of trustees, either by the death or inability to serve of Maj. Gen. James B. Fry, or by the death or vacation of office of any member thereof who was appointed by selection from the members of the said academic board, the Secretary of War shall in each case, and from time to time as often as vacancies occur, fill such vacancy by the appointment of a member of the said academic board, who shall be a graduate of the said Military Academy, in the same manner as provided for the original appointments.

Sec. 3. That when the said sum of \$250,000 shall have been paid into the Treasury of the United States the whole sum shall be, and hereby is, appropriated for the erection of a suitable structure for the purposes of a memorial hall at West Point, N. Y., upon such site at West Point, N. Y., as the board of trustees herein created shall recommend and the Secretary of War approve.

Sec. 4. That the said board of trustees shall, as soon as practicable after the funds appropriated for building purposes in the preceding section shall have become available, determine, by a majority of the whole number of its members upon a plan and specifications for a building to be erected corresponding to and in accordance with the terms and conditions of the aforesaid bequest, and submit the same to the Secretary of War for his approval, who, on behalf of the United States, shall then cause a contract to be let, in the same manner as other contracts to which the United States is a party, for the erection of said building under the direction of the said board of trustees.

Sec. 5. That the funds appropriated in this act shall be drawn from the Treasury as required by section 3673, Revised Statutes of the United States, in the case of moneys appropriated for the use of the War Department. And the said board of trustees shall submit to the Secretary of War estimates for his approval, which shall form the basis of his requisition. The funds so drawn shall be disbursed, under the direction of the Secretary of War, by the disbursing officer of the United States Military Academy, upon vouchers certified to by the president and secretary of the said board of trustees for and in behalf of said board, and shall be accounted for by the said disbursing officer in the same manner and under the same conditions as other public funds of the United States: *Provided*, That the authority of the Secretary of War for any expenditure under the provisions of this act shall be conclusive evidence of the legality thereof.

Sec. 6. That the memorial hall to be erected under the provisions of this act shall be a receptacle of statues, busts, mural tablets, and portraits of distinguished and deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and to prevent the introduction of unworthy subjects into this hall the selection of each shall be made by not less than two-thirds of the members of the entire academic board of the United States Military Academy, the vote being taken by ayes and nays and to be so recorded.

Sec. 7. That the said board of trustees shall, within thirty days after the pas-

sage of this act, meet at West Point, N. Y., and organize by the election of one of their number as president and another as secretary of said board; and a majority of the whole number shall constitute a quorum for the transaction of business. And the said memorial hall shall be erected under the direction of the said board of trustees, and after being erected shall be maintained, managed, and controlled by the United States in a manner similar to other public buildings at West Point. After the construction of the building and its transfer to the Government the functions of the said board of trustees shall cease.

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

There was no objection.

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

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid upon the table.

GENERAL DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I desire to call up the Senate amendments to the general deficiency bill.

The SPEAKER. The Senate amendments to the general deficiency bill, remaining undisposed of, will now be read by the Clerk, so that the House may understand what they are.

The amendments were read.

Mr. DINGLEY. I suppose the understanding is that these amendments will be taken up in their regular order?

Mr. SAYERS. Yes. Mr. Speaker, four of these amendments are very important. The fifth is not so important. I ask unanimous consent that debate may be had upon the amendments for two hours.

Mr. DINGLEY. I suggest to my colleague on the committee that some of these amendments may require but very little debate, and others may require a longer time, and it is better to have an agreement as to the limit of debate upon each amendment.

Mr. SAYERS. I will state to the gentleman from Maine [Mr. DINGLEY] that my object is simply to facilitate the discussion upon the amendments and the reaching of a vote upon them. I would suggest to him that we have thirty minutes' debate on each amendment, the vote to be taken at the end of that time.

Mr. DINGLEY. Some of the amendments may not require that, and some will require more. Why not take the first amendment and arrange as to the debate upon that, and then make the same arrangements with reference to the others? The first, fourth, and fifth amendments are the ones that will require the chief debate.

Mr. SAYERS. Unless, Mr. Speaker, we have an understanding that a certain time be allowed for debate, and that the previous question shall then be ordered, I will lose control of the bill. In other words, I will not be able to push this measure through with the proper rapidity.

Mr. DINGLEY. There will be no difficulty on that point.

Mr. SAYERS. I do not know whether there will or not.

Mr. DINGLEY. I suggest to my colleague that some arrangement should be made for debate upon each amendment. For example, on the first amendment it is possible that thirty minutes will be sufficient. I am not specially interested in this amendment, and I do not know whether more than half an hour is desired or not. That is the amendment relating to the Pacific railroad.

Mr. SAYERS. How much time would the gentleman suggest on the Pacific railroad amendment?

Mr. DICKERY. I think thirty minutes would answer for that.

Mr. DINGLEY. Thirty minutes on a side?

Mr. SAYERS. Thirty minutes for both sides.

Mr. BLOUNT. It is not a new matter at all.

Mr. DINGLEY. I am not specially interested in that.

Mr. HOLMAN. That matter is very well understood.

Mr. DINGLEY. I suggest half an hour on the Pacific railroad amendment.

Mr. SAYERS. How much time would the gentleman suggest as to the French spoliation claims?

Mr. DINGLEY. I would suggest an hour. Several gentlemen have intimated a desire to have ten or fifteen minutes. I suppose the hour would be divided equally between those opposed to the amendment and those in favor of it.

Mr. BLOUNT. There is not anything new about the French spoliation claim matter, is there?

Mr. SAYERS. How much time would the gentleman from Maine or any other gentleman suggest as to the Indian depredation claims?

Mr. HERMANN. I think we ought to have half an hour.

Mr. LANHAM. That will depend upon whether there will be any resistance to the Senate amendments.

Mr. HERMANN. A half an hour for us to present our side.

Mr. SAYERS. Allowing thirty minutes to the Pacific railroad, an hour to the French spoliation, and thirty minutes to

the Indian depredation amendments, we will consume two hours in all. How much time is desired upon the amendment affecting the Assistant Attorney-General?

Mr. HERMANN. I think fifteen minutes will be sufficient.

Mr. LANHAM. If there is any resistance made by the Committee on Appropriations, I want to take a little time to discuss the Indian depredation amendments.

Mr. SAYERS. I think we can arrange it satisfactorily to everybody.

Mr. LANHAM. I was just going to ask as to the order of the discussion, whether it is the purpose of the House to discuss the amendments seriatim, in the order in which they appear in the conference report, or shall we take them up promiscuously?

Mr. SAYERS. In their order.

Mr. DINGLEY. And let the discussion proceed on a motion with reference to each amendment, and let that amendment be decided before the discussion proceeds upon the next item. That will make all the discussion bear directly upon the question before the House.

Mr. SAYERS. Now, Mr. Speaker, I ask unanimous consent that these amendments be considered in their order; that one hour be allowed for debate upon the French spoliation claims, one hour upon the Indian depredation claims, thirty minutes on the Pacific Railroad item, thirty minutes on the pay for the widows and legal representatives of deceased members, and ten minutes on the item which affects the salary of the Assistant Attorney-General.

Mr. DINGLEY. That is satisfactory to us.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] asks unanimous consent that in the consideration of the Senate amendments to the general deficiency bill they be considered in their order; that one hour's debate be allowed on the amendment relating to the French spoliation claims, at the end of which time a vote shall be taken; that one hour be allowed to the amendment relating to Indian depredation claims, at the expiration of which a vote shall be taken upon that; that thirty minutes be allowed upon the amendment in relation to the claims of the Pacific railroads, at the end of which time a vote be taken upon it; that thirty minutes be allowed for debate upon the amendment in respect to the payment to widows and legal representatives of deceased members, and that a vote be taken on that at the end of that time; and that ten minutes' debate be allowed on the amendment relating to the Assistant Attorney-General, a vote to be taken on that at the end of the ten minutes. Is there objection?

Mr. HERMANN. I would like to inquire whether at the conclusion of the debate upon each of these amendments a vote will be had?

Mr. SMITH of Arizona. That has already been stated.

The SPEAKER. Is there objection to the request?

There was no objection.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the debate be conducted under the five-minute rule, one-half the time to be allotted respectively to those who favor the amendments and the other half to those who are opposed to them.

The SPEAKER. Without objection that order will be made.

Mr. MANSUR. I object.

The SPEAKER. Objection is made.

Mr. DINGLEY. I desire simply to say that the chairman of the Committee on Claims, who made the report on the French spoliation matter, who of course has full knowledge respecting those claims, desires a little more than five minutes, and would properly be entitled to a little more time, having made the report.

Mr. SAYERS. We can agree as to that.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

(18) Payment to the Pacific railroads: The Secretary of the Treasury is hereby authorized and directed to cause a careful examination to be made of the claims heretofore reported to Congress for services performed for the Government by the several Pacific railroads, their branches and leased lines, as set forth and described in House Executive Documents Nos. 71 and 122, and Senate Executive Documents Nos. 132 and 135, Fifty-first Congress, second session; House Executive Documents Nos. 144, 174, and 394, and Senate Executive Documents Nos. 210 and 211, Fifty-first Congress, first session; House Executive Document Nos. 167 and 171, Fifty-first Congress, second session; and House Executive Documents Nos. 94, 192, 199, 205, 216, and 258, and Senate Executive Documents Nos. 123 and 140, Fifty-second Congress, first session; and upon ascertainment of the amounts respectively due for services over the aided and nonaided or leased lines of said roads, to pay the same out of any money in the Treasury not otherwise appropriated; the amounts due for services over the aided lines to be paid into the Treasury on account of the indebtedness of said Pacific roads, as now required by law, and the amounts due for services over the nonaided or leased lines to be paid to the respective companies by whom the services were rendered, care being taken that the several amounts found upon such examination to be due and payable shall not include any claims that have been or may be included in any judgment obtained against the Government for like services rendered by either of the roads specified in the Executive documents to which reference is made herein.

The SPEAKER. By order of the House thirty minutes' debate

is allowed upon this amendment. The Chair will recognize the gentleman from Texas [Mr. SAYERS] to control fifteen minutes.

Mr. SAYERS. I would prefer that the gentleman from Pennsylvania [Mr. DALZELL] should control the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] will be recognized to control the fifteen minutes in favor of the proposition to concur in this amendment.

Mr. SAYERS. I suggest that the gentleman from Missouri [Mr. DOCKERY] be allowed to control the time against the amendment.

The SPEAKER. And the suggestion is made that fifteen minutes against the amendment be controlled by the gentleman from Missouri [Mr. DOCKERY] and that fifteen minutes in favor of the amendment be under the control of the gentleman from Pennsylvania [Mr. DALZELL], who is in favor of agreeing to the Senate amendment.

Mr. DALZELL. That is a mistake. The gentleman from Missouri [Mr. DOCKERY] and I are on the same side. I am opposed to the Senate amendment.

The SPEAKER. The Chair will recognize the gentleman from Missouri, then, to control the fifteen minutes against the amendment.

Mr. DINGLEY. Without objection I will take charge of the fifteen minutes in favor of the amendment, although I do not desire to speak.

The SPEAKER. If there be no objection, the gentleman from Maine [Mr. DINGLEY] will take charge of the fifteen minutes in favor of the proposition to agree to the Senate amendments.

There was no objection.

Mr. DOCKERY. Mr. Speaker, I offer the resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the managers on the part of the House, of the conference on the disagreeing votes of the two Houses on the amendments of the Senate of the bill (H. R. 9284), making appropriations for deficiencies for the fiscal year 1892 and prior years, are hereby instructed to oppose an agreement to the amendment numbered 18 to said bill, making an indefinite appropriation for the payment of certain claims of the Pacific railroads.

The SPEAKER. The Chair would state to the gentleman from Missouri that this resolution is hardly in order now. These amendments are not now in conference. The conference committee has made a report and been discharged. The amendments are now before the House for consideration. If the House should vote down the proposition to concur in the Senate amendments, and ask a further conference then it would be in order to move to instruct the conferees, but not before.

Mr. DOCKERY. I withhold the amendment, then, for the present.

The SPEAKER. The question is on agreeing or disagreeing or amending the proposition.

Mr. DOCKERY. I desire to reserve the fifteen minutes until I hear the reasons in favor of concurring in the Senate amendment.

The SPEAKER. The gentleman from Maine is recognized.

Mr. DINGLEY. I have no desire to discuss the proposition, Mr. Speaker. I merely took charge of the time so that I might yield it to anyone who desired to speak.

The SPEAKER. There is no motion pending.

Mr. DOCKERY. I would move then, if the gentleman from Maine does not desire to support the amendment of the Senate, that the House insist upon its disagreement and ask a further conference.

The SPEAKER. That is in order.

Mr. DINGLEY. Before the motion is submitted, I desire simply to say that while a disagreement would be the best thing perhaps at the present time, yet I am in favor ultimately of a settlement of the matter on the basis of the settlement made in the Army appropriation bill. But for the present I shall not object to a disagreement.

The SPEAKER. The question is on the motion of the gentleman from Missouri, that the House insist upon its disagreement to the Senate amendment and ask a further conference.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

(44) To pay the Assistant Attorney-General in charge of Indian depredation claims an amount sufficient to make his compensation from the date of his qualification to the end of the fiscal year 1892 the same as that paid to the other Assistant Attorneys-General in the Department of Justice, \$2,521 or so much as may be necessary.

Mr. SAYERS. I will inform the House that this is a proposition to allow back pay to an officer, that is to allow him a salary greater than the law attached to the office at the time of his appointment. His salary has been increased from the first day of the present fiscal year, and the object of the amendment is to give him this increased salary from the date of his appointment.

Mr. McMILLIN. This, then, is a back salary?

Mr. SAYERS. Yes, sir.
 Mr. DICKERSON. A salary grab, so to speak.
 Mr. McMILLIN. What is the amount?
 Mr. SAYERS. Two thousand five hundred dollars.
 Mr. McMILLIN. Who is the officer?
 Mr. SAYERS. The Assistant Attorney-General.
 Mr. McMILLIN. In what department?
 Mr. ROCKWELL. In charge of the Indian depredation claims.

Mr. McMILLIN. What does the conference recommend?
 Mr. SAYERS. That we disagree to the amendment of the Senate.

Mr. WHEELER of Alabama. Did the Government recommend this?

Mr. SAYERS. I do not know.

Mr. WHEELER of Alabama. Then nobody recommended it.

Mr. SAYERS. It is a Senate amendment.

The SPEAKER. The gentleman is entitled to five minutes if he desires to use it.

Mr. SAYERS. I reserve the balance of the time until I ascertain what may be said in favor of the proposition.

Mr. DINGLEY. If the control of the time on the other side is yielded to me, I wish to yield two minutes to the gentleman from Nebraska [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, I desire simply to say this in regard to this question: We have, as I understand it, agreed that the salary of this officer shall be \$5,000 a year from the first of this month. In doing that we have simply placed him on a par with the other officers doing similar work. I know the man personally, he being an appointee from my State. So far as his legal acquirements are concerned, I know him to be an excellent lawyer; and it does seem to me that if he is worth \$5,000 a year, as the other Assistant Attorney-Generals are, from this time on, it is only fair that he should have the same compensation as other officers doing similar work up to this time. I was informed by one of the Senators, but of course I understand that it is not binding on the House, that it was understood when he was appointed that the salary would be made equal to what was paid to other officers doing similar work.

Mr. McMILLIN. With whom was the understanding arrived at?

Mr. BRYAN. I stated that this was not an understanding which was binding in any way upon the House.

Mr. McMILLIN. What part of the Government would it bind, or did it bind, or who could bind anybody in the matter?

Mr. BRYAN. No one at all.

Mr. McMILLIN. Any man might bind himself.

Mr. BRYAN. I am not suggesting that; but it simply was this, Mr. Speaker, that if his services are worth \$5,000 a year, and if those who are performing like services up to this time received \$5,000 a year, I do not know why a discrimination should be made against him.

Mr. SAYERS. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, replying to the statement of my friend from Nebraska [Mr. BRYAN] concerning the agreement entered into with this officer, if there ever was any such disgraceful proceeding for that purpose, or if anyone should pretend to put a future draft upon the Government as to this man's salary, this House owes it to itself to reject any such insolence and refuse to carry out the contract.

Now, this officer accepted the office knowing what the salary was, and we should not countenance any agreement of any officer of the Government coming here and seeking to have back salaries paid which are in excess of the salaries provided for by law.

Mr. DICKERSON. Would you be willing that a man who wanted to resign should do so?

Mr. McMILLIN. I would offer no obstacle in the way of some gentlemen who are filling public places if they wanted to resign.

I believe further that the statement the gentleman from Nebraska has made is the strongest reason why this House should not grant this increase. If any officer has been so forgetful of his duty as to make any agreement to exercise authority to have the salary increased, I think that that would be one of the best reasons why it ought not to be done.

Mr. HERMANN. If the gentleman will allow me, I want simply to suggest here, as a matter of information, that at the time this gentleman undertook to perform these duties he had assurances that the salary would be increased.

Mr. McMILLIN. Who gave the assurances?

Mr. HERMANN. A number of gentlemen.

Mr. McMILLIN. Who was one of them?

Mr. HERMANN. A number of Senators and myself.

Mr. McMILLIN. What Senator?

Mr. HERMANN. A number of Senators.

Mr. McMILLIN. Give me the name of one.

Mr. HERMANN. Senator PADDOCK was one.

Mr. McMILLIN. Senator PADDOCK had no authority to make such an agreement and bind anyone. He would not bind even himself by it.

Mr. HERMANN. He did not make any agreement, but this gentleman did not suppose that he was to get less than the others were receiving. I now merely want to state the circumstances in this case. He is one of the ablest attorneys engaged in this service.

Mr. McMILLIN. If he is attorney enough to know how to discharge a single duty pertaining to a law office, he is attorney enough to know that no man had the right to bind the Government, and that the Government was under no obligations to increase his salary by reason of any statement made to him in that regard.

Mr. HENDERSON of Iowa. I undertake to say that Senator PADDOCK never made any such claim as that.

Mr. McMILLIN. I am very glad to hear that.

Mr. HENDERSON of Iowa. He may have had his own views of what was proper to be done, but I am very confident that he never made any such engagement.

The SPEAKER. The time of the gentleman has expired.

Mr. DINGLEY. I now yield to the gentleman from Oregon.

Mr. HERMANN. Mr. Speaker, I desire to supplement what I have said in reply to the gentleman from Tennessee that this gentleman did not expect that it would bind the Government, but I propose to state here what I said to him, and what I will say to the House, that I thought that the House would at least be magnanimous enough to increase the salary so as to make it equal to those of his colleagues occupying like positions in the Department of Justice. Did I not think his services would fully justify what is asked for him I should not advocate the increase. The Indian depredation claims now pending before the Court of Claims amount to \$25,000,000. A lawyer of ability, such as is Gen. Colby, should be retained to represent the Government.

Mr. DICKERSON. Will the gentleman allow me to ask him a question?

Mr. HERMANN. I have not time to yield. I desire to say that when this gentleman undertook the position he found that the duties pertaining to his office were very much more onerous than he had imagined. He did not anticipate that the labors would amount to anything like the immense amount of work they have.

I will say further that the services to be performed by him now is at least three or four fold in excess of the active work of any other of his colleagues who occupy a like position under the Department of Justice, where they are receiving \$5,000 a year while he is receiving but \$2,500, and it was desired to give him an increase so as to make it \$5,000. I think that in equity at least, this House ought to give him \$2,500 more, so as to make it on a par with the others.

Mr. DICKERSON. While these Senators and Representatives you mentioned awhile ago could make no stipulation with the intention of binding Congress to increase his salary, did they make it with the intention and purpose of obligating themselves to do the very best they could to have it increased?

Mr. HERMANN. They did. They intended no more. I am one of those gentlemen, being then chairman of the Committee on Indian Depredations. I did not think the duties of the office would be so onerous and burdensome as to call for a salary such as was given to his colleagues, but I will say now, in view of the business, the immense amount of business, that pressed itself on him, it is my judgment we should now give him a like amount with the others.

He has well earned it, and since he entered upon the discharge of his official duties he has accomplished more by his earnest, continuous efforts, than the most sanguine could have hoped, especially in view of many delays incident to the necessary adjustment of questions of practice common to courts first assuming jurisdiction of a new class of subjects, involving a variety of nice points. Let us do what is just and honest toward this faithful officer, and we shall do our duty. I wish to consult economy wherever practicable in the discharge of my duties on this floor, but in doing this I shall not be misled or induced into doing a manifest injustice, and appropriating services not justly compensated for. The Government in its vast concerns is entitled to the best services it can command, and should unhesitatingly pay such compensation as such services command in the avocations of life. This it should do, no more and no less.

He has been holding that office and performing the duties faithfully and efficiently, and now the question for this House is whether the Government shall accept those services and refuse to compensate him for them.

Mr. DICKERSON. I am not referring to the question of services. What I am referring to is the propriety of gentlemen

who are holding legislative positions making statements which will obligate them to favor propositions of this kind.

Mr. HERMANN. Such assurances of personal support were only given on the assumption that the labors of the office would prove to be anything equal to what they immediately became. It is my right and my duty to favor just compensation to those who perform labors equal to the compensation justly earned.

Mr. SAYERS. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. It seems, Mr. Speaker, that a Republican House in the Fifty-first Congress appropriated but \$2,500 for this officer, and now these gentlemen come here and ask this Democratic House to make up the deficiency, and I am thoroughly opposed to it.

Mr. SAYERS. The gentleman is mistaken as to the facts.

Mr. WHEELER of Alabama. My friend from Texas is always just and wise, and he is generally right, but this time I think he is mistaken. I understand the fact to be that the beneficiary of this proposed legislation received but \$2,500 for his services last year, and now he or his friends ask us to appropriate \$2,500, so as to make his salary for last year \$5,000. If I am mistaken, if more than \$2,500 was appropriated by the last Congress, there would be no logic in the request for an appropriation of \$2,500 now.

We are sent here to correct the abuses of the last Congress, not to add to or to repeat them. We were sent here to reduce salaries, not to increase them. We were sent here to if possible recover some of the people's money which that Congress scattered broadcast, and not to scatter more in the same or a similar direction. We are here to guard and fill the Treasury, not to despoil and empty it. We are here to set an example of economy, not to inaugurate a system of extravagance. I am opposed to increasing salaries of any kind, and I am particularly opposed to increasing back salaries. The gentleman from Oregon [Mr. HERMANN] says that this officer is worth \$5,000 a year.

Mr. Speaker, public office is a public trust. We seek office, and we accept office at the hands of the people, for the honor we may achieve by the faithful performance of the duties of the office and by our fidelity to the trust conferred upon us.

It is contended by many we Congressmen are worth more than \$5,000 a year [laughter], but we feel it a great honor to serve our country and our people, and we would be glad to accept the honor and serve at a much less compensation. In my bill and in my resolution, which reduced all salaries exceeding \$800, I reduced salaries of Congressmen to \$4,000, and in these hard times I think the bill ought to pass.

Mr. HENDERSON of Iowa. The gentleman from Texas [Mr. SAYERS] says that the gentleman from Alabama is entirely wrong in his facts.

Mr. WHEELER of Alabama. Then the gentleman from Texas has not listened to the debate and can not have read the report. Now, Mr. Speaker, I ask this House not to inaugurate a system of going to back salaries to increase appropriations that are already too large.

Mr. SAYERS. Mr. Speaker, I move that the House further insist upon its disagreement.

Mr. HERMANN. I move that the House recede from its disagreement, and concur in the Senate amendment.

The SPEAKER. That motion is in order, and the vote will be first taken on the proposition that the House recede from its disagreement to the amendment of the Senate, and agree to the same.

The question was taken on the motion that the House recede, and it was decided in the negative.

The SPEAKER. The refusal to agree to the motion just voted upon is equal to a nonconcurrence, and therefore the Chair declares that the House nonconcur in the Senate amendment, and further insists on its disagreement. The Clerk will report the next amendment.

The Clerk read as follows:

(78) To pay to the widows and legal representatives of deceased members of the House, \$5,000.

The SPEAKER. There are thirty minutes allowed for debate upon this proposition.

Mr. SAYERS. Mr. Speaker, I suggest that the gentleman from Georgia [Mr. WATSON] be recognized to control the time in opposition to the amendment.

Mr. DINGLEY. Mr. Speaker, the gentleman from Iowa [Mr. HAYES] desires to be recognized to move a proposition to insert as an amendment to the amendment of the Senate the provisions reported by the House Committee on Appropriations and stricken out of the bill on a point of order.

Mr. SAYERS. Then, Mr. Speaker, I suggest that the gentleman from Iowa [Mr. HAYES] be recognized to control the time for the consideration of the amendment which he proposes to offer and that the gentleman from Georgia [Mr. WATSON] be recognized to control the time in opposition to the amendment.

The SPEAKER. If there be no objection, the Chair will recognize the gentleman from Iowa [Mr. HAYES] to control fifteen minutes in favor of concurring in the Senate amendment with an amendment, and the gentleman from Georgia [Mr. WATSON] to control the time against the proposition.

Mr. HAYES. Mr. Speaker, I desire to offer an amendment, as indicated in the remarks of the gentleman from Texas [Mr. SAYERS], to instruct the House conferees to agree to the amendment of the Senate with an amendment which I have sent to the Clerk's desk.

The SPEAKER. The gentleman from Iowa moves that the House recede from its disagreement to the Senate amendment and agree to the same, with an amendment which the Clerk will report.

The Clerk read the amendment of Mr. HAYES of Iowa, as follows:

To pay to the widow of M. H. Ford the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress, \$10,050.27;

To pay to the widow of John R. Gamble the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress, \$8,879.01.

To pay to the widow of Leonidas C. Houk \$5,151.34, and to John L. Hudiburg, guardian of Annie Houk and Eddie Houk, two minor children of the said Leonidas C. Houk, for their use and benefit, \$4,122.28; in all, \$9,273.62, being the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress;

To pay to the widow of John W. Kendall the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress, \$5,158.84.

To pay to the widow of W. H. F. Lee the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress, \$6,933.92.

To pay to the widow of Francis B. Spinola the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress, \$9,624.41.

To pay to the legal heirs of E. T. Stackhouse the amount of salary and mileage for the unexpired term of his service as a member of the Fifty-second Congress, \$4,202.10.

To pay to the widow of James Phelan the amount of salary for the unexpired term of his service as a member of the Fifty-first Congress, \$463.37.

Mr. HAYES of Iowa. The proposition made in the amendment I have offered is precisely what was brought into the House by the Committee on Appropriations as a part of this bill originally; and it was the unanimous action of that committee. It was stricken out in the House upon a point of order. The Senate has inserted an amendment which—

Mr. DINGLEY. I suggest that as the gentleman from Georgia [Mr. WATSON] has an amendment which he desires to offer, it might be well to have it submitted before the gentleman from Iowa [Mr. HAYES] proceeds with his remarks, so that the House may understand the difference between the two propositions.

Mr. HAYES of Iowa. I am now simply going to state my proposition without discussing it.

The Senate has put in an amendment which, as must be understood by everybody, is a mere formal one for the purpose of giving jurisdiction, so that the question might be considered between the House and the Senate and such action taken as might be deemed proper in regard to it. The House conferees decided to report this matter back to the House in such a way that the House could take such action as it saw proper. My proposition brings the matter back to the same point where it was originally in the House bill.

There was some controversy before the House committee in regard to how this particular money should be used, but in respect to that there is now no controversy; all parties are agreed so far as concerns the beneficiaries of these proposed appropriations, and are content to accept the action of the House committee as originally made.

Until I hear from the other side, and understand what, if any, counter proposition is submitted or objection made, I will not enter into the merits of this matter. Having stated my proposition, I reserve the residue of my time.

Mr. WATSON. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the conferees on the part of the House are hereby authorized with reference to the amendment numbered 78 to the general deficiency appropriation bill, appropriating \$5,000 to pay to the widows or legal representatives of deceased members of the House, to propose as a substitute therefor a provision to pay to the widow or legal heirs of each deceased member of the present House the balance of the salary and mileage which may be due to such deceased member under the law, irrespective of what has been the custom in regard thereto.

It is the sense of this House that the law forbids the payment of two salaries for one position at the same time; that if the deceased member shall have received as much as three months' salary for the Congress, no further pay can be allowed to the widow or heirs at law of such member; and that the salary of his successor shall commence at the time that of the deceased member stopped.

The SPEAKER. The Chair would state to the gentleman from Georgia [Mr. WATSON] that this resolution is not in order at the present time. It will be in order if the House should by a vote disagree to the pending amendment and ask a conference. This could then be offered in the nature of instructions to the con-

feres. But as yet the bill is not in conference. The gentleman will be recognized to offer this resolution at a later period.

Mr. WATSON. I would like to be recognized now to oppose the pending amendment.

The SPEAKER. The Chair recognizes the gentleman for fifteen minutes in opposition to the pending proposition.

Mr. WATSON. Mr. Speaker, the question now presented is simply whether we will apply to ourselves the same rule we have applied to our subordinate employés. At an earlier day in this session a proposition was made by the gentleman from Maryland [Mr. RUSK], from the Committee on Accounts, to allow extra pay, running beyond the life of a subordinate employé of this House. That proposition was antagonized by other members of the committee, notably by the gentleman from Georgia [Mr. MOSES]; and the House voted it down by an overwhelming majority, establishing the precedent of "no work no pay;" that when the service ceases the pay must cease, because there is no provision of law authorizing us to give a bounty or a pension to our employés or their legal representatives.

Now, the question which confronts every member of this House is this: Will you make one rule for subordinate employés of the House and another for Representatives and Senators? Mr. Speaker, this ought to be regarded purely as a question of law. If the law allows this money it ought to be paid; if the law does not allow it it ought not to be paid. We are here as administrators of a trust fund; we are acting in a fiduciary capacity for the people; we have no right to spend a dollar of their money unless we can produce a voucher in the form of some law authorizing the expenditure either by express terms or by reasonable intentment or construction.

You can provide for furnishing a committee room, because it is a reasonable construction that members are entitled to the use of committee rooms for the discharge of their duties. You can supply documents; you can provide for messengers and pages, because these are presumed to be necessary in connection with our public service. But when the law specifies that a member of Congress shall have \$5,000 per year for his services, that necessarily means he shall be paid at that rate for the services he renders, and the compensation can not by any reasonable construction be extended for any length of time beyond that. You can just as reasonably and legally pay a member ten years' pension or grant his widow five years' extra pay as you can make such an allowance for five days or five months.

Here is the law on this subject:

When any person who has been elected a Member of or Delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress or from the last payment received by him to the time of his death, at the rate of \$5,000 a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.

That is from the Revised Statutes, section 49. Section 50 provides as follows:

Salaries allowed under the preceding section shall be computed and paid, in all cases, for a period of not less than three months from the commencement of the Congress.

It may be well questioned, Mr. Speaker, whether there is any authority for the passage of such an act, but surely there is no authority for extending payment beyond the three months which by this act is guaranteed to the member elect at the commencement of his term.

Again, section 51 provides:

Whenever a vacancy occurs in either House of Congress, by death or otherwise, of any Member or Delegate elected or appointed thereto after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

So I submit to the House that the proposition the gentleman from Iowa has presented is not founded on good law or sound reason. It is not just to the taxpayers of the country; it is not just to ourselves as the administrators of a trust fund. And I submit further, sir, that it is a sound principle of law and justice which no man will deny or question that an officer shall not be paid when he is rendering no service, any more than that there shall be two salaries paid at the same time out of the public Treasury for the same work.

The resolution which has been read, and which I shall submit at the proper time, is for the purpose of engrafting upon this bill a declaration of what we ought to do, and all that we can properly do under the law. It allows the payment of every dollar that the law permits, and beyond that we have no right to go, unless we want to go before the country with the pitiable record of being brave enough to refuse this compensation to one of our subordinates, and timid enough—mean enough, you may say—not to apply the same rule when we come to deal with one of our colleagues on this floor, or his representatives.

Mr. SAYERS. Will the gentlemen allow me to ask him a question?

Mr. WATSON. Certainly.

Mr. SAYERS. Are we to understand the gentleman from Georgia to give his opinion that the law now authorizes the payment of three months' salary to deceased members?

Mr. WATSON. No, sir. If the deceased member served less than three months, that is to say, if he held the place less than three months after his term commenced, the law allows his legal representatives three months' pay. In other words, he shall be guaranteed as much as three months' salary from his term. But if he shall have received as much as three months' pay before his death, nothing more shall be paid upon his death. The compensation of his successor is supposed to commence at that time. I very much doubt whether Congress had the right to pass such an act, but if that act does not authorize the continuing pay to the extent of filling out the three months' salary, then there is not a line of law anywhere authorizing the payment of a dollar beyond the time that the member has actually served.

I now yield three minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, in the three minutes accorded to me I want to enter my protest against this species of robbery. When a man becomes a member of this House he enters into a contract with his constituents to perform certain duties. If he should resign or die before the expiration of his term I apprehend that no man would contend for a moment that he ought to be paid for the whole of it.

Now, so far as the law making appropriations is concerned, this Congress has no power to appropriate the money of the people to a man if he should resign, any more than if he should die. If a member resigns his place on this floor, you have as much right under the law, and under your trust as members of this House, to pay him for the full term as if he had died. You can not draw a distinction between the two cases.

Mr. HAYES of Iowa. Will the gentleman allow me to ask this question: Did you not appear before the Committee on Appropriations in behalf of one of these "robbers" at this session of Congress?

Mr. SNODGRASS. I did not appear before the Committee on Appropriations, but was asked by Mrs. Houk, and was in the committee room, but told her I was opposed to the appropriation, and I never insisted on the right of the party to receive a cent; but if the Government was to be robbed I thought this widow ought to receive the money to help to relieve her property from a debt, and that it ought not to be divided, but did not state this to the committee, but declined to make any statement.

Mr. SAYERS. Did not the gentleman appear before the Committee on Appropriations to assist in a "robbery" of this kind?

Mr. SNODGRASS. I did not assist, nor did I insist that they should make a dollar of appropriation; I did no such thing.

Mr. SAYERS. But you were before the committee lending the aid of your presence in behalf of your deceased colleague's representatives, who were making application for this payment.

Mr. SNODGRASS. I did not open my mouth before the committee asking an appropriation.

Mr. SAYERS. Of course not.

Mr. SNODGRASS. No, sir; and I have condemned it before on this floor, and denounced it then and denounce it now as a robbery. I believe it is beyond the power of the House, and that no man can justify it in law or equity.

Mr. SAYERS. But I would like the gentleman to tell us how he can reconcile his appearance before the Committee on Appropriations with his present statement. He was there, as were other members of the House, and they were all interested, whether they said a word or not. They were there in silence consenting to the appropriations recommended in the pending amendment.

Mr. SNODGRASS. As I have said, Mrs. Houk wrote me a note asking me to meet her there, and I told her then that I was opposed to such legislation and did not aid in it, but on the contrary declined to do so. I do not want this taken out of my time. I say I was before that committee because I was invited to go there and see that lady; and I never opened my mouth before the committee on that subject. I told her that it was wrong, and that I was opposed to the principle, and that Congress had no right to do it, and that I should resist the appropriation whenever it came before this House. That is what I told her. And I say to you now, you can not put your finger upon anything in the Constitution or the laws of your country that justifies this; and every one of you that denies to a subordinate of this House pay for his services after he is dead, and then fixes it so that the widows of Representatives in this House can get pay, is guilty of a high crime against your people and ought to be relegated and repudiated by them. That is what I say.

Mr. HENDERSON of Iowa. You kept very mum on that before the committee.

Mr. SNODGRASS. Yes; I did not want to go there and antagonize the proposition before the committee when I had been invited to go there in the interest of this lady, but I declined to aid her, and do so now.

Mr. HENDERSON of Iowa. We all understood you were for it.

Mr. SNODGRASS. If so, it was unwarranted. I tell you now what I told her then, and I tell you now what ought to be done with you if you violate the sacred trust reposed in you. You ought to be relegated.

Mr. WATSON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. SAYERS. I desire a minute.

Mr. WATSON. I cannot resist the request of the gentleman from Texas. Is it understood that I only yielded three minutes to the gentleman from Tennessee?

The SPEAKER. Three minutes.

Mr. WATSON. I yield one minute to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I desire to say only a word upon this subject. I am one of those who believe that all appropriations of this kind are mere gratuities; that there is no obligation whatever upon the part of the House or the Government to pay any member of Congress or any other officer of the Government one dollar except for services that have been actually rendered during his term of office. Now, I have to suggest to the House that an understanding be had as to whether anything shall be paid or not, and if anything, what sum. The proposition of the gentleman from Iowa [Mr. HAYES] goes entirely too far. If anything is to be allowed it occurs to me that it ought not to exceed three or six months' salary, six months' at the outside. In truth and in fact there should be no allowance at all except that which is authorized by law.

Mr. WATSON. I yield one minute to the gentleman from Iowa [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, it seems to me that certain men present, from my own State and others, are trying to justify this matter on the ground that the gentleman from Tennessee [Mr. SNODGRASS] did not talk against it on a certain occasion. There is no action that can be justified by what somebody else did. There is not a man on the floor of this House but what knows that the proposition made by the gentleman from Iowa is a proposition contrary to law, and if they vote for it they know what they are voting for.

I, for one, am ready to stand by what the law provides, whatever I might be willing to do by myself from my own means; I have nothing to say as to that; but I have no right to do this, and there is not a man upon the floor of this House but what knows that the vote in favor of the amendments that are presented by the gentleman from Iowa is to vote money out of the Treasury of the United States contrary to law; and any man who so votes, votes contrary to law and knows that he does it.

Mr. ROCKWELL. But we are making law, are we not?

Mr. WATSON. I yield the remainder of my time to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I have never been able to reach the conclusion that the proposition submitted by the gentleman from Iowa [Mr. HAYES] is a correct presentation of this matter. Until a comparatively recent period the law which has been read, which virtually pays the widow three months of the salary, was the uniform rule. The practice of paying an increased sum of money grew up within a comparatively few years.

Mr. TRACEY. How far back?

Mr. HOLMAN. I should think twenty-odd years.

Mr. WASHINGTON. In the Forty-sixth Congress.

Mr. HOLMAN. I think in the Forty-fourth Congress there was a precedent upon this subject; but not so large an amount has been named—perhaps some five or six thousand dollars. The general tendency from that time to this has been, as a general rule, to pay \$5,000, the salary for one year, and it has been paid upon the ground that a member necessarily incurs expense in running for Congress, and incurs expense in arranging his family affairs to take his seat, and for that reason, perhaps, there was a degree of justice in making a fair and reasonable appropriation; but to pay for the whole term, laying down that rule, certainly would be a very dangerous precedent. Whether it should be for one year or for the balance of the term, but not exceeding \$5,000, some such proposition as that, it seems to me, would accord with the general sentiment of the House of recent years. I hope therefore that the proposition will be voted down, and that the conferees will still further consider the subject.

Mr. HAYES of Iowa. Mr. Speaker, the proposition that this is entirely outside of law is simply arrant nonsense. Every gentleman who has spoken upon this subject, except one, has con-

ceded that it is within legal authority, that is, that it can be made law, and this is shown and demonstrated by the fact that the law already provides for three months' pay under certain circumstances in case of death of a member. If it can provide for three months' pay it can provide for the whole time, so there is nothing in that point. The simple question is, what the law ought to be and what we ought to do in making law upon the subject.

Mr. WATSON. But the law expressly says that the two salaries shall not run at the same time.

Mr. HAYES of Iowa. That may be, but you can make the law what you see fit.

Mr. WATSON. No; we can divide the amount between the two men.

Mr. HAYES of Iowa. While this is not the law in the sense that there is a law enacted, yet the custom of Congress has made a time-honored precedent which ought to be followed, and there is no reason why it should not be followed in this particular case, so far as the deceased members of the Fifty-second Congress are concerned. It commenced back in the Forty-fourth Congress, when this same provision, or practically the same provision, was made in regard to Mr. Kerr of Pennsylvania, who died a member of that Congress. It has been followed up from that day to this, and precisely this same provision has been made for the widow or the heirs or representatives of every member of Congress who has died from that day to this while a member of the House, and the number amounts to thirty-six up to this time who have received this pay.

Now, there is no reason why this distinction should be made at this time. There are widows here in this particular case to whom it would be a grievous hardship to deny this payment. They actually need this money, and while in the limited time I have, a portion of which I desire to surrender to others, I can not go into all these questions, yet the propriety of it is so apparent and the precedent for it is so well established, that there is no reason why we should not do now what has been done in the past. There is nothing in the circumstances of the beneficiaries at this time that calls for any different proceeding.

I have had prepared a statement giving all cases in the Senate and House where this action has been taken, and which gives the name, Congress, page of Revised Statutes where found, and the amount thus allowed, as follows:

SENATE.

Senator M. H. Carpenter, volume 21, page 456, compensation and mileage from February 25, 1881, to March 4, 1882, \$5,466.70.

Senator G. S. Houston, volume 23, page 337, compensation from January 1, 1880, to March 4, 1881, \$5,860.60.

Senator B. H. Hill, volume 22, page 632, salary from August 17, 1882, to March 4, 1883 (end of term), \$2,726.03.

Vice-President Thomas A. Hendricks, volume 24, page 285, one year's salary and a sum equal to the allowances of a member of Congress for mileage and stationery, \$8,750.

Senator John F. Miller, volume 24, page 285, compensation as Senator from March 4, 1886, to March 3, 1887, \$4,931.50.

Senator Austin W. Pike, volume 25, page 16, compensation as Senator from October, 1886, to October, 1887, \$5,000.

Senator John A. Logan, volume 24, page 16, compensation as Senator from December 27, 1886, to December 27, 1887, \$5,000.

Senator J. B. Beck, volume 25, page 529, \$5,000.

Senator E. K. Wilson, volume 26, page 885, \$5,000.

HOUSE.

Representative Kerr, Pennsylvania, Forty-fourth Congress.

Representative Rush Clark (widow and heirs), volume 21, page 52, member elect to Forty-sixth Congress, \$6,000.

Representative G. Schleicher (widow), volume 21, page 52, member elect to Forty-sixth Congress, \$6,000.

Representative Fernando Wood (legal representatives), volume 22, page 338, member elect to Forty-seventh Congress, \$6,000.

Representative E. W. Farr (widow and children), volume 22, page 338, member elect to Forty-seventh Congress, \$6,000.

Representative W. A. Duncan (widow), volume 24, page 287, member elect to Forty-ninth Congress, \$6,000.

Representative W. T. Price (widow), volume 25, page 587, member elect to Fiftieth Congress, \$6,000.

Representative Andrew S. Herron (legal heirs), volume 25, page 587, member elect to Forty-eighth Congress, \$6,000.

Representative J. T. Updegraff (widow and legal heirs), volume 25, page 587, member elect to Forty-eighth Congress, \$6,000.

Representative J. Q. Smith (widow), volume 22, page 632, balance of salary, mileage, and stationery allowance for Forty-seventh Congress, \$6,429.18.

Representative T. B. Herndon (widow), volume 23, page 18, balance of salary and stationery allowance for Forty-eighth Congress, \$8,875.

Representative W. F. Poole (mother), volume 23, page 18, balance of salary and stationery allowance for Forty-eighth Congress, \$7,737.60.

Representative E. W. Mackey (widow), volume 23, page 18, balance of salary and stationery allowance for Forty-eighth Congress, \$5,586.87.

Representative D. C. Haskell (widow), volume 23, page 18, balance of salary and stationery allowance for Forty-eighth Congress, \$6,715.97.

Representative M. E. Cutts (widow), volume 23, page 18, balance of salary and stationery allowance for Forty-eighth Congress, \$7,652.38.

Representative J. H. Evins (widow), volume 23, page 469, balance of salary for Forty-eighth Congress, \$1,850.27.

Representative W. A. Duncan (widow), volume 23, page 469, balance of salary for Forty-eighth Congress, \$1,516.30.

Representative Reuben Ellwood (widow), volume 24, page 287, balance of salary and allowance for stationery for Forty-ninth Congress, \$8,429.18.

Representative Joseph Rankin (widow), volume 24, page 287, balance of salary and allowance for stationery for Forty-ninth Congress, \$5,580.71.

Representative William H. Cole (widow), volume 24, page 287, balance of salary and allowance for stationery for Forty-ninth Congress, \$3,458.

Representative Abraham Dowdney (widow), volume 25, page 17, balance of salary for Forty-ninth Congress, \$1,154.17.

Representative John Arnot (widow), volume 25, page 17, balance of salary and mileage for Forty-ninth Congress, \$1,562.07.

Representative Lewis Beach (widow), volume 25, page 17, balance of salary and mileage for Forty-ninth Congress, \$1,648.93.

Representative Michael Hahn (sisters), volume 25, page 17, balance of salary for Forty-ninth Congress, \$4,974.41.

Representative E. W. Robertson (widow), volume 25, page 587, balance of salary and mileage for Fiftieth Congress, \$8,851.

Representative S. C. Moffat (widow), volume 25, page 587, balance of salary and mileage for Fiftieth Congress, \$5,989.89.

Representative N. T. Kane (widow), volume 25, page 587, balance of salary and mileage for Fiftieth Congress, \$7,655.81.

Representative James N. Burns (widow), volume 25, page 927, balance of salary for Fiftieth Congress, \$5,455.51.

Representative David Wilbur (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$4,974.99.

Representative Samuel J. Randall (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$4,501.70.

Representative E. W. Townsend (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$10,690.46.

Representative E. J. Gay (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$2,904.37.

Representative S. S. Cox (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$7,595.17.

Representative W. D. Kelley (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$6,225.06.

Representative James P. Walker (widow), volume 26, page 531, balance of salary for Fifty-first Congress, \$3,593.96.

Representative James N. Burnes (widow), member elect to Fifty-first Congress, volume 26, page 531, \$6,000.

How much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. HAYES of Iowa. I desire to say that if this amendment should be voted down, and if no allowance should be made, that would be doing different in the House for the members that have died here from what will be done at this very session in the Senate by the provisions of this very bill in regard to deceased Senators who are here provided for; and it is in exact accord with the appropriation that was made for the widow of Senator Matt Carpenter, of Wisconsin, when the precedent started; that is, giving one year's salary, as is provided for in this bill, and this precedent has been followed ever since.

Mr. SAYERS. Mr. Speaker, in that respect, let me say to the gentleman from Iowa, the Senate has been more economical and careful than the House.

Mr. CUMMINGS. It is the first time on record. [Laughter.]

Mr. HOLMAN. Their pay is \$5,000.

Mr. HENDERSON of Iowa. Does the gentleman from Texas think it is more economical to give one year's salary out of six than it is to give one out of two?

Mr. SAYERS. What I mean by economy is that a less sum has been appropriated by the Senate.

The SPEAKER. The Chair understands that the gentleman from Iowa [Mr. HAYES], who has the floor, has yielded to the gentleman from New York [Mr. COVERT].

Mr. HAYES of Iowa. I now yield to the gentleman from New York.

Mr. COVERT. Mr. Speaker, I was one of the members of this House who attended before the Committee on Appropriations in behalf and in support of the proposition subsequently inserted by that committee in the bill—the proposition now under discussion. The position I assumed when before the Committee on Appropriations is the position I desire to assume now.

The gentleman from Georgia [Mr. WATSON] has read to us what is the written law, as he understands and construes it, bearing upon this subject. It seems to me, sir, that now and here is the time and place for the application of the *lex non scripta*—the law not written, but the law as it has been clearly and definitely established in this House, according to the admission, forced though it may have been, of the chairman of the Committee on Appropriations.

Deceased members who had been elected to this body, and some of whom met with us at the beginning of this session, had gone to the customary expense in connection with their Congressional contests. They had made serious business sacrifices undoubtedly in order to take their places here. I am assured that can be said generally of all of them. The dependent wives and helpless orphans of these our dead Congressional associates, looking back at the precedents that this House has established, and which have been in operation for twenty years, have very naturally and as it seems to me very properly builded upon getting this bounty, if you please to call it such, from this House. I do not regard it as a bounty. It is in the nature of an allowance to them to be made under established precedents and in accordance with the law not written, but the law as we have established it.

Mr. WATSON. Will the gentleman allow me a question there?

Mr. COVERT. I have not time, and I am constrained to decline to yield. I want simply to add that the heart and conscience of no man in this House, in my humble judgment, will

ever reproach him for an affirmative vote in support of this proposition, a proposition founded upon right and having about it all the elements of simple justice. [Loud applause.]

Mr. HAYES of Iowa. I now yield two minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Speaker, I am reproved by my colleague from Iowa [Mr. BUTLER] because I have referred to what was said by the gentleman from Tennessee [Mr. SNODGRASS], who appeared before the Committee on Appropriations in support of this measure. I can abide the reproof of the censor of this House, but I can not agree with him when he says it is against the law. We are the law-making body. I do not know of a statute against this; and since the Forty-sixth Congress this has been done in some form. In the case of Mr. Rush Clark, of my own State, the exact policy of the motion of my colleague [Mr. HAYES] was pursued. The Senate pays in gross the salary of one year. They can—

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. HENDERSON of Iowa. I will not yield, as I have not time.

They can well afford to do it. They are elected for a term of six years, the members of this House, as we all know, for two years. The theory of this legislation, which has now become so long recognized by Congress, is that a large amount of the salary of a member of the House is expended in the legitimate expenses of his election before he ever takes his seat in this body, and every dollar so expended is taken from his family.

The theory has been to give his widow and children the amount of the salary for the unexpired term, in order to take care of his wife and little ones. I believe it is just. I have no interest in this amendment. The widow and children of no member of my State stand back of me, but I think the rule which has been recognized for eighteen years should govern; and I do not intend to remain silent, even in the presence of the lecturer of this House, when I can stand up for doing justice to the widows and children of deceased members. [Loud applause.]

Mr. HAYES of Iowa. I now yield one minute to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. Mr. Speaker, I think that if gentlemen will consider this matter a little they will find that the law which the gentleman from Georgia [Mr. WATSON] has read here has been repealed.

Mr. WATSON. It is in the very last Digest, all the same.

Mr. CULBERSON. I have not looked into the matter very thoroughly, but section 49, which the gentleman has read from, was taken from the Revised Statutes. The Revised Statutes, I suppose, adopted the section from an act passed originally in 1856 and amended in 1859.

In the act of 1859 it was provided that if a member died his salary should be computed at the rate of \$3,000 per annum for three months. That was the original act. In 1873 the salary was increased to \$7,500 per annum. By some means or other \$7,500 took the place of \$3,000 in section 49—just how, I have never found out; but in 1874 all those laws relating to the salaries were repealed, and the salary was made \$5,000. I think, therefore, that we are without law on the subject.

Mr. HOLMAN. I think the original act of 1856 is still in full force.

Mr. HAYES of Iowa. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has one minute remaining.

Mr. HAYES of Iowa. I yield that to the gentleman from New York [Mr. TRACEY].

Mr. TRACEY. Mr. Speaker, I desire simply to say that my view of this matter accords with that of the gentleman from Iowa [Mr. HAYES] and the other gentleman from Iowa [Mr. HENDERSON]. It appears to me that this precedent has been well established.

When I first came here, in the Fiftieth Congress, it was to fill a vacancy, and I waited upon the then chairman of the Committee on Appropriations, the distinguished gentleman from Pennsylvania, Mr. Randall, who, as we all know, was very particular and earnest in his desire to be as economical as possible, and I found that he deemed it entirely proper that the amount of the salary of the office from the time of the death of my predecessor until the expiration of his term should be included in the appropriation bill.

In fact, it seemed to be so well understood to be the proper and usual course that it was a surprise to me when I found here today that objection had been made to the payment of the salaries now in question from the time of the death of the members to the expiration of the Congress.

Mr. SAYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAYERS. Would a motion, without qualification that the House conferees adhere to the disagreement, have preference over any other motion?

The SPEAKER. A motion to recede has priority over a motion to disagree, because it brings the Houses together.

Mr. SAYERS. But suppose that motion is coupled with an instruction?

The SPEAKER. What the gentleman calls instruction is simply an amendment. It is not an instruction, because there is no conference ordered. The gentleman from Iowa [Mr. HAYES] moves to amend the Senate amendment—

Mr. HOLMAN. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Would not the effect of this amendment of the gentleman from Iowa [Mr. HAYES], if adopted, be to strike out \$5,000 in the Senate amendment and to provide in many of these instances for the payment of \$10,000?

The SPEAKER. That is not a parliamentary question. That is a matter of debate, and debate is exhausted.

Mr. HAYES of Iowa. Mr. Speaker, I desire to ask consent that the motion made by me may be so modified as to strike out the provision for mileage. Several gentlemen object to that part of the amendment, and I am not tenacious about it.

The SPEAKER. The gentleman can make any alteration he pleases in his amendment before it is voted upon. Let him indicate to the Clerk what he desires to strike out.

Mr. HAYES of Iowa. I desire to strike out in each case the provision for mileage and leave only the unpaid salary.

Mr. HOLMAN. Mr. Speaker, I believe this proposition is open to amendment.

The SPEAKER. It is not. By the terms of the agreement debate is to be exhausted and a vote to be taken at a certain time.

Mr. HOLMAN. But that does not cut off amendment.

The SPEAKER. That is equivalent in the judgment of the Chair to ordering the previous question.

Mr. HOLMAN. I desire to make the amount \$5,000 instead of \$10,000 in each case.

The SPEAKER. The Chair supposed that the intention of the agreement on both sides was that when the debate should be exhausted the previous question would be considered as ordered, but that during the time allowed for debate amendments might be offered. The Chair will state to the gentleman from Iowa [Mr. HAYES] and to the House that it is perfectly competent, in the judgment of the Chair, for any amendment to be offered to these Senate amendments before the previous question is ordered upon them, and that the amendments must be voted on before the motion to agree or disagree.

Mr. HAYES of Iowa. The previous question has been ordered, has it not?

The SPEAKER. The gentleman from Iowa [Mr. HAYES] moves to agree to the Senate amendment with an amendment. It is in the power of the House to amend without coupling with such amendment the motion to agree. After an amendment is agreed to or disagreed to then the question will still remain, Shall the House agree or disagree to the Senate amendment?

Mr. HAYES of Iowa. My understanding was that the previous question was in effect ordered at the close of the debate.

The SPEAKER. The Chair has so held.

Mr. HAYES of Iowa. That was the reason I asked unanimous consent to modify my amendment, thinking it necessary for that reason.

Mr. REILLY. Is it not competent for the gentleman from Iowa to modify his amendment before a vote is taken?

The SPEAKER. That matter has been disposed of; it is not before the House. The Chair, however, desires to make an explanation on another point. There seems to be some confusion in the minds of members as to the right of the House to amend a Senate amendment without at the same time moving to agree to the amendment. The Chair is of opinion that an amendment to a Senate amendment is in order without coupling with it a motion to agree. You can move to amend the Senate amendment just as you can move to amend any other proposition; and after amendments are disposed of, the question is, Will you agree or disagree to the proposition?

Mr. WATSON. Is it competent for any member to ask a separate vote on an amendment irrespective of agreeing to the Senate provision?

The SPEAKER. The Chair does not understand the gentleman's question.

Mr. WATSON. Is it competent for me to ask a separate vote on the amendment of the gentleman from Iowa [Mr. HAYES] as a distinct proposition?

The SPEAKER. A vote will be had on that amendment separately before a vote is had on the proposition to agree or disagree.

Mr. WATSON. That is what I wanted to understand.

The SPEAKER. The motion of the gentleman from Iowa will be treated as a motion to amend the Senate amendment, as indicated by him.

Mr. DINGLEY. But, Mr. Speaker—

The SPEAKER. Great confusion has arisen from the suggestion that at the same time a member moves to amend he must move to agree or concur with the amendment. That does not follow at all.

Mr. DINGLEY. I wish to make a parliamentary inquiry, because this same point arose in Committee of the Whole the other day on the World's Fair proposition. There is now an existing disagreement between the Senate and the House on this amendment. It was ruled the other day in Committee of the Whole by the Chairman that a motion to amend the World's Exposition amendment of the Senate must be in the form of a motion to concur with an amendment; and the Chairman did not permit a separate vote on the amendment.

The SPEAKER. The Chair will call attention to the practice on the subject, and will endeavor at least to make clear his understanding of it.

The Senate amendments are before the House; they have once been considered in Committee of the Whole on the state of the Union, or rather they have been disagreed to in the House by unanimous consent, which is equivalent to consideration in Committee of the Whole, because the portion of the rule providing for the first consideration of the amendment in Committee of the Whole was waived by unanimous consent. The conferees reported back to the House that they have agreed upon all the propositions in controversy between the two Houses except five. Their report has been adopted; and the adoption of the report of itself dissolves the conference.

Mr. DINGLEY. But the report is accompanied with the further statement that there are disagreements on those five matters.

The SPEAKER. Exactly. But the conference is dissolved. These five matters are before the House for consideration. The House can amend them, and can agree to them as amended, or can reject them as amended. If the gentleman will turn to the Digest—

Mr. DINGLEY. The Chair will pardon me a moment while I explain what might be the result of this view. In the form in which the disagreement now exists as to the Senate amendments a motion to concur would take precedence of a motion to non-concur, for that would bring the two Houses together; and a motion to concur with an amendment would, of course, take precedence of that.

The SPEAKER. The Chair thinks that is an error.

Mr. DINGLEY. I am simply making the inquiry because of the ruling which was made in Committee of the Whole the other day.

The SPEAKER. There has been a good deal of confusion about this point. The Chair is frank to say that until he had made careful examination he was not himself satisfied upon the question, because so far as his recollection goes the practice had favored the contrary view. But if the gentleman will turn to Jefferson's Manual, page 175 of the Digest, he will find this statement:

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

Mr. DINGLEY. Undoubtedly.

The SPEAKER. That is exactly the position we are now in.

Mr. DINGLEY. But suppose there has been an actual vote to disagree—

A MEMBER. There has not been.

Mr. DINGLEY. There has been in this case a disagreement by a vote of the House on all these amendments.

The SPEAKER. But the gentleman understands that the disagreement was committed to a conference; and the conferees have reported that they agree on everything except these five matters, as to which they could not agree. The conferees are now discharged; the matter is no longer in conference; it is before the House. The House may now reconsider its former action; it may either agree or disagree.

Mr. DINGLEY. But should not the House recede from its vote of disagreement in connection with a motion to concur? The House has already by a vote disagreed to the amendments.

The SPEAKER. The Chair does not understand the gentleman's point. Does he mean that the House can not reconsider its former action?

Mr. HENDERSON of Iowa. The adoption of the report of the conference committee winds the whole business up.

Mr. DINGLEY. I wanted to get a correct interpretation of the rule upon the subject, because there has been such a variety of practice that it is difficult to understand exactly the correct practice.

The SPEAKER. It is one of the peculiarities of the practice in regard to conference reports between the two Houses that either House may reverse its own action without a motion to reconsider. They may vote to-day to disagree and may instruct their conferees to disagree. The conferees may report an agreement, notwithstanding the instruction, and the House may ratify it, which would result in reversing the action of the House without a motion to reconsider being entered.

Now, the conferees have reported and the report has been adopted. The Chair thinks that they are discharged from the further consideration of the matter, the conference is dissolved, and the amendments are before the House for any action it may see proper to take.

Mr. DINGLEY. In the same manner as though there had been no disagreement?

The SPEAKER. In the same manner, the only difference being that the amendments have passed that stage which would require their consideration in the Committee of the Whole House, the rule only requiring that they shall have their first consideration in that manner. But as the Chair has already stated, in the language of Jefferson's Manual—

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

Mr. DINGLEY. I was simply following the ruling of the Chairman in the consideration of the sundry civil bill a few days ago. But it may be that the Speaker is correct in his interpretation of the rule, for I can see some advantage in this view.

The SPEAKER. The Chair will therefore entertain the motion of the gentleman from Iowa as simply a motion to amend the Senate amendment.

The question was submitted.

Mr. SAYERS. I demand the yeas and nays on this proposition.

The yeas and nays were ordered.

Mr. WASHINGTON. Mr. Speaker, I wish to submit a parliamentary inquiry. If this amendment is voted down will the proposition then be open to amendment; such, for instance, as to adopt a limit of \$5,000 in these cases?

The SPEAKER. It will not be open to amendment, because the previous question is ordered.

Mr. WASHINGTON. Then no amendment can be offered if this is rejected?

Mr. HOLMAN. I ask that the Senate amendment be again read, and also the amendment proposed by the gentleman from Iowa.

The Senate amendment numbered 78 was again read.

The SPEAKER. Now the gentleman from Iowa [Mr. HAYES] moves to amend that amendment as the Clerk will now read.

The Clerk again reported the amendment proposed by Mr. HAYES of Iowa.

Mr. HAYES of Iowa. Mr. Speaker, the amendment was read as originally submitted; but the mileage was to have been stricken out.

The SPEAKER. The Chair instructed the Clerk to omit it. The amendment will need to be changed in that regard.

Mr. HOLMAN. Let me ask, Mr. Speaker, if the pending proposition is voted down and no amendment made to the Senate provision, then will it not be within the control of the conferees on the part of the two Houses?

The SPEAKER. The House can agree or disagree with or without an amendment.

Mr. HOLMAN. Or amend it in conference?

The SPEAKER. Of course.

Mr. WATSON. When will it be in order for me to offer my substitute?

The SPEAKER. After the House has voted upon the pending amendments and asked a conference with the Senate.

The Chair is informed that the amendment can not be understood by the Clerk, because the mileage has not been deducted.

Mr. HAYES of Iowa. I do not know what the mileage would be.

Mr. REILLY. I would suggest that the necessary words be inserted to indicate that the mileage is to be stricken out and the figures can be put in afterwards. Let the Clerk change the figures so as to strike out the mileage.

The SPEAKER. It makes it very uncertain as to how much is being voted on by the House.

Mr. REILLY. I think it is well understood.

Mr. HAYES of Iowa. I would suggest, Mr. Speaker, this modification, that the words "deducting mileage in each case," be added. Then, when that is ascertained the proper amount can be incorporated.

The SPEAKER. The question is on agreeing to the amendment as modified, and on this question the yeas and nays have been ordered and the Clerk will call the roll.

The question was taken; and there were—yeas 99, nays 94, not voting 135; as follows:

YEAS—99.

Amerman,	Covert,	Johnson, Ind.	Rockwell,
Atkinson,	Crosby,	Johnson, N. Dak.	Rusk,
Bartine,	Cummings,	Jolley,	Scull,
Barwig,	Curtis,	Kribbs,	Seerley,
Bergen,	Cutting,	Lind,	Shonk,
Bingham,	Dalzell,	Lynch,	Stephenson,
Boatner,	Daniell,	Mansur,	Stone, C. W.
Bowers,	Dingley,	McAleer,	Stone, W. A.
Bowman,	Dolliver,	McCreary,	Stump,
Brickner,	English,	Meredith,	Tarsney,
Broderick,	Enochs,	Milliken,	Taylor, Ill.
Bryan,	Fellows,	O'Neill, Pa.	Townsend,
Bynum,	Flick,	O'Neill, Mo.	Tracey,
Cadmus,	Geissenhainer,	Owens,	Van Horn,
Caminetti,	Griswold,	Parrett,	Wadsworth,
Campbell,	Hare,	Payne,	Warwick,
Caruth,	Harmer,	Paynter,	Washington,
Castle,	Hayes, Iowa,	Pendleton,	Weadock,
Cheatham,	Haynes, Ohio,	Powers,	Whiting,
Chipman,	Henderson, Iowa,	Price,	Williams, N. C.
Clancy,	Holman,	Raines,	Wilson, Wash.
Coburn,	Hooker, N. Y.	Ray,	Wilson, W. Va.
Compton,	Hopkins, Ill.	Reilly,	Wright,
Coolidge,	Houk, Tenn.	Reynolds,	Youmans.
Coombs,	Hull,	Robinson, Pa.	

NAYS—94.

Alexander,	Cobb, Mo.	Kem,	Shell,
Bailey,	Cooper,	Kilgore,	Shively,
Bankhead,	Cowles,	Kyle,	Simpson,
Beeman,	Crawford,	Lane,	Snodgrass,
Beltzhoover,	Culbertson,	Lanham,	Sperry,
Bentley,	Davis,	Lapham,	Stevens,
Blount,	De Armond,	Lawson, Va.	Steward, Ill.
Branch,	Dickerson,	Lawson, Ga.	Stewart, Tex.
Breckinridge, Ark.	Dixon,	Layton,	Stout,
Bretz,	Doan,	Lester, Va.	Terry,
Brookshire,	Edmunds,	Lester, Ga.	Tillman,
Brosius,	Ellis,	Livingston,	Turner,
Brown,	Epes,	Long,	Turpin,
Brunner,	Everett,	Mallory,	Walker,
Buchanan, N. J.	Formey,	McDonald,	Warner,
Buchanan, Va.	Grady,	McRae,	Watson,
Bullock,	Hallowell,	Montgomery,	Wheeler, Ala.
Bunn,	Halvorson,	Moses,	Wike,
Busey,	Hatch,	Oates,	Williams, Ill.
Butler,	Henderson, N. C.	Otis,	Winn,
Byrns,	Houk, Ohio,	Patton,	Wise,
Capehart,	Houk, Ohio,	Pearson,	Wolverton.
Clover,	Johnstone, S. C.	Pierce,	
Cobb, Ala.	Jones,	Sayers,	

NOT VOTING—135.

Abbott,	Donovan,	Kendall,	Pickler,
Alderson,	Dungan,	Ketcham,	Post,
Allen,	Dunphy,	Lagan,	Quackenbush,
Andrew,	Durbinow,	Lewis,	Randall,
Arnold,	Elliott,	Little,	Rayner,
Babbitt,	Enloe,	Lockwood,	Reed,
Bacon,	Fitch,	Lodge,	Richardson,
Baker,	Fithian,	Loud,	Rife,
Belden,	Forman,	Magner,	Robertson, La.
Belknap,	Fowler,	Martin,	Russell,
Blanchard,	Funston,	McClellan,	Russell,
Bland,	Fyan,	McGann,	Scott,
Boutelle,	Gantz,	McKaig,	Smith,
Brawley,	Geary,	McKeighan,	Snow,
Breckinridge, Ky.	Gillespie,	McKinney,	Springer,
Bunting,	Goodnight,	McMillin,	Stahlnecker,
Burrows,	Gorman,	Meyer,	Stockdale,
Bushnell,	Greenleaf,	Miller,	Stone, Ky.
Cable,	Grout,	Mitchell,	Storer,
Caldwell,	Hall,	Moore,	Sweet,
Catchings,	Hamilton,	Morse,	Taylor, Tenn.
Cate,	Harter,	Mutchler,	Taylor, E. B.
Causey,	Haugen,	Newberry,	Taylor, J. D.
Chapin,	Heard,	Norton,	Taylor, V. A.
Clark, Wyo.	Hemphill,	O'Donnell,	Tucker,
Clarke, Ala.	Henderson, Ill.	O'Ferrall,	Waugh,
Cockran,	Herbert,	O'Neil, Mass.	Wever,
Cogswell,	Hermann,	Outhwaite,	Wheeler, Mich.
Cox, N. Y.	Hitt,	Page, R. I.	White,
Cox, Tenn.	Hoar,	Page, Md.	Willcox,
Craig, Pa.	Hooker, Miss.	Patterson, Tenn.	Williams, Mass.
Craik, Tex.	Hopkins, Pa.	Pattison, Ohio	Wilson, Ky.
De Forest,	Huff,	Peel,	Wilson, Mo.
Dockery,	Johnson, Ohio	Perkins,	

So the amendment was adopted.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDREW with Mr. LODGE.

Mr. HEMPHILL with Mr. MORSE.

Mr. GANTZ with Mr. HOPKINS of Pennsylvania.

Mr. MCKINNEY with Mr. STORER.

Mr. NORTON with Mr. BELKNAP.

Mr. STONE of Kentucky with Mr. WALKER.

Mr. RICHARDSON with Mr. JOSEPH D. TAYLOR.

Mr. COX of Tennessee with Mr. LOUD.

Mr. DUNPHY with Mr. RANDALL.

Mr. CRAIG of Pennsylvania with Mr. PICKLER.

Mr. ALLEN with Mr. WILSON of Kentucky.

Mr. HERBERT with Mr. BOUTELLE.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. GEARY with Mr. SANFORD.
 Mr. GORMAN with Mr. O'DONNELL.
 Mr. WILSON of Missouri with Mr. HUFF.
 Mr. ARNOLD with Mr. WEVER.
 Mr. ABBOTT with Mr. BELDEN.
 Mr. SNODGRASS with Mr. TAYLOR of Tennessee.
 Mr. O'NEIL of Massachusetts with Mr. COGSWELL.
 Mr. ROBERTSON of Louisiana with Mr. BARTINE.
 Mr. FITCH with Mr. BINGHAM.
 Mr. O'FERRALL with Mr. HAUGEN.
 Mr. BLAND with Mr. BOWERS.
 Mr. MOORE with Mr. CLARK of Wyoming.
 Mr. BUNTING with Mr. VINCENT A. TAYLOR.
 Until Monday, July 25:
 Mr. OUTHWAITE with Mr. EZRA B. TAYLOR.
 For this day:
 Mr. SCOTT with Mr. PERKINS.
 Mr. CRAIN of Texas with Mr. FUNSTON.
 Mr. FITHIAN with Mr. RIFE.
 Mr. TUCKER with Mr. RUSSELL.
 Mr. HEARD with Mr. POST.
 Mr. ALDERSON with Mr. SWEET.

For this vote:
 Mr. GOODNIGHT with Mr. QUACKENBUSH.

Mr. CATE. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall of the House, and did he fail to hear his name?

Mr. CATE. No.

The SPEAKER. The Chair can not entertain the gentleman's request. On this question the yeas are 99, and the nays are 94.

Mr. HOLMAN. Mr. Speaker, I rose to change my vote.

The SPEAKER. That requires unanimous consent, after the result is announced.

Mr. HOLMAN. I was rising just as the Chair was beginning to announce the result.

The SPEAKER. The gentleman states that he rose for that purpose.

Mr. HOLMAN. I was intending to do so, at that moment.

The SPEAKER. The gentleman from Indiana states that he rose for the purpose of changing his vote. He will be allowed to do so.

Mr. HOLMAN. I change my vote from "no" to "aye."

Mr. CUMMINGS. How would that have been on the silver bill? [Laughter.]

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

Mr. HOLMAN. I move to reconsider the last vote.

Mr. HAYES of Iowa. And I move to lay the motion to reconsider on the table.

Mr. HOLMAN and Mr. SNODGRASS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 90, not voting 134; as follows:

YEAS—104.

Amerman,	Crosby,	Hull,	Shell,
Atkinson,	Cummings,	Johnson, Ind.	Shonk,
Babbitt,	Curtis,	Johnson, N. Dak.	Smith,
Bartine,	Cutting,	Jolley,	Stephenson,
Barwig,	Dalzell,	Lind,	Steward, Ill.
Bentley,	Daniell,	Lynch,	Stone, C. W.
Bergen,	Dingley,	Mansur,	Stone, W. A.
Bingham,	Doan,	McAleer,	Stout,
Bowers,	English,	McCreary,	Stump,
Bowman,	Enochs,	Meredith,	Sweet,
Brickner,	Fellows,	Milliken,	Tarsney,
Broderick,	Flick,	O'Neill, Pa.	Taylor, Ill.
Brosius,	Grissenhainer,	O'Neill, Mo.	Townsend,
Buchanan, N. J.	Griswold,	Page, Md.	Tracey,
Burrows,	Hare,	Parrett,	Van Horn,
Cadmus,	Harmer,	Payne,	Walker,
Caminetti,	Hatch,	Paynter,	Warwick,
Campbell,	Hayes, Iowa	Powers,	Washington,
Caruth,	Haynes, Ohio	Raines,	Weadock,
Castle,	Henderson, Iowa	Reed,	Whiting,
Cheatham,	Henderson, Ill.	Reilly,	Willcox,
Chipman,	Hermann,	Reyburn,	Williams, N. C.
Coburn,	Hitt,	Robinson, Pa.	Wilson, Wash.
Compton,	Hooker, N. Y.	Rockwell,	Wilson, W. Va.
Coolidge,	Hopkins, Ill.	Scull,	Wright,
Covert,	Houk, Tenn.	Seerley,	Youmans.

NAYS—90.

Alexander,	Busey,	De Armond,	Harries,
Bailey,	Butler,	Dickerson,	Henderson, N. C.
Bankhead,	Byrns,	Dixon,	Holman,
Beeman,	Capehart,	Dockery,	Houk, Ohio
Beltzhoover,	Caichings,	Dolliver,	Jones,
Blount,	Cate,	Edmunds,	Kem,
Branch,	Clover,	Ellis,	Kilgore,
Breckinridge, Ark.	Cobb, Ala.	Epes,	Kyle,
Bretz,	Cobb, Mo.	Everett,	Lagan,
Brookshire,	Cooper,	Forman,	Lane,
Brown,	Cowles,	Forney,	Lanham,
Brunner,	Crawford,	Grady,	Lapham,
Buchanan, Va.	Culbertson,	Hallowell,	Lawson, Va.
Bullock,	Davis,	Halvorson,	Lawson, Ga.

Layton,	Montgomery,	Simpson,	Warner,
Lester, Va.	Moses,	Snodgrass,	Watson,
Otis,	Stevens,	Snow,	Wheeler, Ala.
Patterson, Tenn.	Stewart, Tex.	Stevens,	Williams, Ill.
Patton,	Terry,	Stewart, Tex.	Winn,
Pearson,	Tillman,	Turner,	Wise,
Pierce,	Turner,	Turpin,	Wolverton.
Sayers,			
Shively,			

NOT VOTING—134.

Abbott,	De Forest,	Kribbs,	Price,
Alderson,	Donovan,	Lewis,	Quackenbush,
Allen,	Dungan,	Little,	Randall,
Andrew,	Dunphy,	Lockwood,	Ray,
Arnold,	Durbrow,	Lodge,	Rayner,
Bacon,	Elliott,	Loud,	Richardson,
Baker,	Enloe,	Magner,	Rife,
Belden,	Fitch,	Martin,	Robertson, La.
Belknap,	Fithian,	McClellan,	Rusk,
Blanchard,	Fowler,	McDonald,	Russell,
Bland,	Funston,	McGann,	Sanford,
Boatner,	Fyan,	McKaig,	Scott,
Boutelle,	Gantz,	McKeighan,	Sperry,
Brawley,	Geary,	McKinney,	Springer,
Breckinridge, Ky.	Gillespie,	Miller,	Stahnecker,
Bryan,	Goodnight,	Mitchell,	Stockdale,
Bunn,	Gorman,	Moore,	Stone, Ky.
Bunting,	Greenleaf,	Morse,	Storey,
Bushnell,	Grout,	Mutcher,	Taylor, Tenn.
Bynum,	Hall,	Newberry,	Taylor, E. B.
Cable,	Hamilton,	Norton,	Taylor, J. D.
Caldwell,	Harter,	Oates,	Taylor, V. A.
Causey,	Haugen,	O'Donnell,	Tucker,
Chapin,	Heard,	O'Ferrall,	Wadsworth,
Clancy,	Hemphill,	O'Neil, Mass.	Waugh,
Clark, Wyo.	Herbert,	Outhwaite,	Weaver,
Clarke, Ala.	Hoar,	Owens,	Wheeler, Mich.
Cockran,	Hooker, Miss.	Page, R. I.	White,
Cogswell,	Hopkins, Pa.	Pattison, Ohio	Wike,
Coombs,	Huff,	Peel,	Williams, Mass.
Cox, N. Y.	Johnson, Ohio	Pendleton,	Wilson, Ky.
Cox, Tenn.	Johnstone, S. C.	Pickins,	Wilson, Mo.
Craig, Pa.	Kendall,	Pickler,	
Crain, Tex.	Ketcham,	Post,	

So the motion to reconsider was laid on the table.

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

The SPEAKER. The question now is on concurring in the Senate amendment as amended.

Mr. WATSON. Now, Mr. Speaker, would my proposition be in order?

The SPEAKER. The Chair will state to the gentleman from Georgia that his proposition would relate to instructions to conferees after the conferees are appointed. Of course the gentleman from Georgia will understand that if the House should concur in the Senate amendment, why then his motion would not be in order, because his amendment contemplates nonconurrence and instructions in the event of nonconurrence. The motion now is to concur in the Senate amendments as amended.

Mr. SAYERS. And upon that I demand the yeas and nays.

Mr. TRACEY. Was not the motion made by the gentleman from Iowa to concur in the Senate amendment with this amendment?

The SPEAKER. The Chair stated that that would be treated as a motion to amend the amendment, because the right existed to vote upon the amendment independently of the question of concurring or disagreeing.

Mr. WATSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WATSON. When this measure was before the House, upon the proposition to pay the salaries of deceased members to their legal representatives, that proposition was stricken out upon the point of order that there was no law authorizing it. Now, has the Senate the right to insert that provision, so as to put it beyond the reach of that point of order?

The SPEAKER. The Chair will state to the gentleman from Georgia that since the abrogation of the joint rule between the two Houses there is no power in the House to make a point of order against Senate amendments.

Mr. HOLMAN. I wish to inquire whether another amendment is in order now fixing the maximum amount at \$5,000?

The SPEAKER. It is not, because, as the Chair stated, the Chair regarded the agreement for a vote at the end of a certain time allowed for debate upon this amendment as an order for the previous question. The question now is upon concurring in the Senate amendment as amended.

Mr. SAYERS. I demand the yeas and nays on this vote.

The SPEAKER. The question now is upon agreeing to the Senate amendment as amended; and on that question the gentleman from Texas demands the yeas and nays.

The yeas and nays were ordered.

Mr. HAYES of Iowa. I would like to have read the Senate amendment as amended, as there is some misunderstanding on the part of members.

The Senate amendment as amended was again reported.

The SPEAKER. The question is on agreeing to the Senate

amendment as amended, and on that motion the yeas and nays are ordered.

The question was taken; and there were—yeas 95, nays 89, not voting 144; as follows:

YEAS—95.

Amerman,	Cummings,	Houk, Tenn.	Shell,
Atkinson,	Curtis,	Hull,	Shonk,
Bartine,	Cutting,	Johnson, Ind.	Smith,
Barwig,	Dalzell,	Johnson, N. Dak.	Stephenson,
Bentley,	Daniell,	Jolley,	Steward, Ill.
Bingham,	Dingley,	Ketcham,	Stone, C. W.
Bowers,	Doan,	Lynch,	Stone, W. A.
Bowman,	Dolliver,	Mansur,	Sweet,
Brosius,	Durbinow,	McAleer,	Tarsney,
Brunner,	English,	Meredith,	Taylor, Ill.
Bryan,	Enochs,	Milliken,	Townsend,
Butler,	Fellows,	O'Neill, Pa.	Tracey,
Cadmus,	Flick,	O'Neill, Mo.	Wadsworth,
Caldwell,	Geissenhainer,	Parrett,	Walker,
Caminetti,	Griswold,	Payne,	Warwick,
Campbell,	Hare,	Powers,	Washington,
Caruth,	Harmer,	Price,	Weadock,
Castle,	Hayes, Iowa,	Raines,	Whiting,
Cheatham,	Haynes, Ohio,	Reed,	Williams, N. C.
Chipman,	Henderson, Iowa,	Reilly,	Wilson, Wash.
Coburn,	Henderson, Ill.	Rockwell,	Wilson, W. Va.
Compton,	Hitt,	Rusk,	Wright,
Covert,	Hooker, N. Y.	Scull,	Youmans.
Crosby,	Hopkins, Ill.	Seerley,	

NAYS—89.

Alexander,	Culberson,	Kyle,	Sayers,
Bailey,	Davis,	Lane,	Shively,
Bankhead,	De Armond,	Lanham,	Simpson,
Beaman,	Dickerson,	Lapham,	Snow,
Beltzhoover,	Dixon,	Lawson, Ga.	Sperry,
Blount,	Dockery,	Layton,	Stevens,
Branch,	Edmunds,	Lester, Va.	Stewart, Tex.
Breckinridge, Ark.	Ellis,	Lester, Ga.	Stout,
Bretz,	Eppe,	Livingston,	Terry,
Brookshire,	Everett,	Long,	Tillman,
Brown,	Forney,	Mallory,	Turner,
Buchanan, Va.	Grady,	Martin,	Turpin,
Bullock,	Hall,	McGann,	Van Horn,
Bunn,	Hallowell,	McKaig,	Warner,
Bussey,	Halvorson,	McKeighan,	Watson,
Byrns,	Harries,	McRae,	Wheeler, Ala.
Catchings,	Hatch,	Montgomery,	Williams, Ill.
Cate,	Henderson, N. C.	Moses,	Winn,
Clover,	Holman,	Otis,	Wise,
Cobb, Mo.	Houk, Ohio,	Patterson, Tenn.	Wolverton.
Cooper,	Jones,	Patton,	
Cowles,	Kem,	Pearson,	
Crawford,	Kilgore,	Pendleton,	

NOT VOTING—144.

Abbott,	Cox, N. Y.	Kendall,	Pickler,
Alderson,	Cox, Tenn.	Kribbs,	Pierce,
Allen,	Craig, Pa.	Lagan,	Post,
Andrew,	Crain, Tex.	Lawson, Va.	Quackenbush,
Arnold,	De Forest,	Lewis,	Randall,
Babbitt,	Donovan,	Lind,	Ray,
Bacon,	Dungan,	Little,	Rayner,
Baker,	Dunphy,	Lockwood,	Reyburn,
Belden,	Elliott,	Lodge,	Richardson,
Belknap,	Enloe,	Loud,	Rife,
Bergen,	Fitch,	Magner,	Robertson, La.
Blanchard,	Fithian,	McClellan,	Robinson, Pa.
Bland,	Forman,	McCreary,	Russell,
Boatner,	Fowler,	McDonald,	Sanford,
Boutelle,	Funston,	McKinney,	Scott,
Brawley,	Fyan,	McMillin,	Snodgrass,
Breckinridge, Ky.	Gantz,	Meyer,	Springer,
Brickner,	Gary,	Miller,	Stahlnecker,
Broderick,	Gillespie,	Mitchell,	Stockdale,
Buchanan, N. J.	Goodnight,	Moore,	Stone, Ky.
Bunting,	Gorman,	Morse,	Storer,
Burrows,	Greenleaf,	Mutcher,	Stump,
Bushnell,	Grout,	Newberry,	Taylor, Tenn.
Bynum,	Hamilton,	Norton,	Taylor, E. B.
Cable,	Harter,	Oates,	Taylor, J. D.
Capehart,	Haugen,	O'Donnell,	Taylor, V. A.
Cauley,	Heard,	O'Ferrall,	Tucker,
Chapin,	Hemphill,	O'Neil, Mass.	Waugh,
Clancy,	Herbert,	Outhwaite,	Wever,
Clark, Wyo.	Hermann,	Owens,	Wheeler, Mich.
Clarke, Ala.	Hoar,	Page, R. I.	White,
Cobb, Ala.	Hooker, Miss.	Page, Md.	Wike,
Cockran,	Hopkins, Pa.	Pattison, Ohio	Willcox,
Cogswell,	Huff,	Paynter,	Williams, Mass.
Coolidge,	Johnson, Ohio	Peel,	Wilson, Ky.
Coombs,	Johnstone, S. C.	Perkins,	Wilson, Mo.

So the Senate amendment as amended was agreed to Mr. FORNEY. Mr. Speaker, my colleague [Mr. COBB of Alabama] is absent on a committee of conference.

The following additional pairs were announced:

For the rest of the day:

Mr. MUTCHLER with Mr. BERGEN.

Mr. GOODNIGHT with Mr. BUCHANAN of New Jersey.

On this vote:

Mr. PIERCE with Mr. BACON.

Mr. PAYNTER with Mr. JOHNSTONE of South Carolina.

Mr. JOHNSTONE of South Carolina. On this question I would have voted "no," Mr. Speaker.

Mr. HAYES of Iowa. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The House will be in order; the vote is very close, and gentlemen should know how they are recorded.

The vote was recapitulated.

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

Mr. BUTLER. Mr. Speaker, I move to reconsider the vote by which the Senate amendment as amended was agreed to.

Mr. HAYES of Iowa. I move to lay that motion on the table.

The SPEAKER. The gentleman from Iowa [Mr. BUTLER] moves to reconsider the vote by which the motion was agreed to, and the gentleman from Iowa [Mr. HAYES] moves to lay that motion on the table.

Mr. BUTLER. And on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 91, not voting 136; as follows:

YEAS—101.

Amerman,	Cummings,	Johnson, Ind.	Shell,
Atkinson,	Curtis,	Johnson, N. Dak.	Smith,
Bartine,	Cutting,	Jolley,	Sperry,
Barwig,	Dalzell,	Ketcham,	Stephenson,
Bentley,	Daniell,	Loud,	Steward, Ill.
Bingham,	Dingley,	Lynch,	Stone, C. W.
Bowers,	Doan,	Mansur,	Stone, W. A.
Bowman,	Dolliver,	McCreary,	Stump,
Brickner,	Durbinow,	McGann,	Tarsney,
Brosius,	English,	Meredith,	Taylor, Ill.
Bryan,	Fellows,	Milliken,	Townsend,
Burrows,	Geissenhainer,	O'Neill, Pa.	Tracey,
Cadmus,	Griswold,	O'Neill, Mo.	Wadsworth,
Caldwell,	Grout,	Owens,	Walker,
Caminetti,	Harmer,	Parrett,	Warwick,
Campbell,	Hatch,	Payne,	Washington,
Caruth,	Hayes, Iowa,	Paynter,	Weadock,
Castle,	Haynes, Ohio,	Powers,	Wheeler, Mich.
Cheatham,	Henderson, Iowa,	Price,	Whiting,
Chipman,	Henderson, Ill.	Raines,	Wike,
Clover,	Hermann,	Reed,	Williams, N. C.
Coburn,	Hitt,	Reilly,	Wright,
Compton,	Hooker, N. Y.	Rockwell,	Youmans.
Coolidge,	Hopkins, Ill.	Rusk,	
Covert,	Houk, Tenn.	Scull,	
Crosby,	Hull,	Seerley,	

NAYS—91.

Alexander,	Cox, N. Y.	Jones,	Patton,
Bailey,	Culberson,	Kem,	Pearson,
Bankhead,	Davis,	Kilgore,	Pendleton,
Beaman,	De Armond,	Kyle,	Pierce,
Beltzhoover,	Dickerson,	Lane,	Sayers,
Blanchard,	Dixon,	Lanham,	Shively,
Blount,	Dockery,	Lapham,	Simpson,
Branch,	Dungan,	Lawson, Ga.	Snow,
Breckinridge, Ark.	Edmunds,	Layton,	Stevens,
Bretz,	Ellis,	Lester, Va.	Stewart, Tex.
Brookshire,	Eppe,	Lester, Ga.	Terry,
Brown,	Everett,	Livingston,	Tillman,
Buchanan, Va.	Fithian,	Long,	Turner,
Bullock,	Forney,	Mallory,	Turpin,
Bunn,	Grady,	Martin,	Warner,
Bussey,	Greenleaf,	McKeighan,	Watson,
Butler,	Hallowell,	McRae,	Wheeler, Ala.
Byrns,	Halvorson,	Meyer,	White,
Capehart,	Hamilton,	Montgomery,	Williams, Ill.
Catchings,	Henderson, N. C.	Moses,	Winn,
Cate,	Holman,	Otis,	Wise,
Cobb, Mo.	Houk, Ohio,	Patterson, Tenn.	Wolverton,
Cowles,	Johnstone, S. C.		

NOT VOTING—136.

Abbott,	Craig, Pa.	Kribbs,	Randall,
Alderson,	Crain, Tex.	Lagan,	Ray,
Allen,	Crawford,	Lawson, Va.	Rayner,
Andrew,	De Forest,	Lewis,	Reyburn,
Arnold,	Donovan,	Lind,	Richardson,
Babbitt,	Dunphy,	Little,	Rife,
Bacon,	Elliott,	Lockwood,	Robertson, La.
Baker,	Enloe,	Lodge,	Robinson, Pa.
Belden,	Enochs,	Magner,	Russell,
Belknap,	Fitch,	McAleer,	Sanford,
Bergen,	Flick,	McClellan,	Scott,
Bland,	Forman,	McDonald,	Shonk,
Boatner,	Fowler,	McKaig,	Snodgrass,
Boutelle,	Funston,	McKinney,	Springer,
Brawley,	Fyan,	Miller,	Stahlnecker,
Breckinridge, Ky.	Gantz,	Mitchell,	Stockdale,
Brunner,	Geary,	Moore,	Stone, Ky.
Broderick,	Gillespie,	Morse,	Storer,
Bunting,	Goodnight,	Mutcher,	Stump,
Bushnell,	Gorman,	Newberry,	Taylor, Tenn.
Bynum,	Hall,	Norton,	Taylor, E. B.
Cable,	Hare,	Oates,	Taylor, J. D.
Cauley,	Harries,	O'Donnell,	Taylor, V. A.
Chapin,	Harter,	O'Ferrall,	Tucker,
Clancy,	Heard,	O'Neil, Mass.	Waugh,
Clark, Wyo.	Hemphill,	Outhwaite,	White,
Clarke, Ala.	Herbert,	Page, R. I.	Wike,
Cobb, Ala.	Hoar,	Page, Md.	Willcox,
Cockran,	Hooker, Miss.	Pattison, Ohio	Williams, Mass.
Cogswell,	Hopkins, Pa.	Paynter,	Wilson, Ky.
Coombs,	Huff,	Peel,	Wilson, Wash.
Cooper,	Johnson, Ohio	Perkins,	Wilson, Mo.
Cox, Tenn.	Kendall,	Quackenbush,	Wilson, W. Va.

So the motion to lay the motion to reconsider on the table was agreed to.

The following additional pairs were announced, for the rest of the day:

Mr. FOREMAN with Mr. WAUGH.

Mr. BACON with Mr. RIFE.

The result of the vote was then announced as above recorded. Mr. HAYES of Iowa. Mr. Speaker, I ask unanimous consent to incorporate in my remarks a statement of the different cases in which this payment has been made.

Mr. MANSUR. For the last twenty years?

Mr. HAYES of Iowa. Yes, sir.

The SPEAKER. The gentleman from Iowa asks unanimous consent to incorporate a certain statement in his remarks. Is there objection?

Mr. SIMPSON. Does that extend to other members who have made speeches on this subject?

The SPEAKER. The request is to extend the privilege to the gentleman from Iowa. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the next amendment.

The Clerk proceeded to read the amendment.

Mr. SAYERS. I ask unanimous consent that the reading be dispensed with.

The SPEAKER. This amendment having been read heretofore, it need not be read again unless specially desired by some gentleman. On this question one hour of debate has been agreed upon.

Mr. DINGLEY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] moves that the House recede from its disagreement to the Senate amendment and agree to the same. The Chair will recognize the gentleman from Maine [Mr. DINGLEY] to control thirty minutes in favor of that proposition and the gentleman from Texas [Mr. SAYERS] to control the time against it.

Mr. DINGLEY. Mr. Speaker, I stated when the time for this debate was fixed that the gentleman from Missouri [Mr. MANSUR], the chairman of the Committee on Claims, who had made the report in favor of these claims, was thoroughly acquainted with the subject and desired more time than the five minutes that I could yield him, and the suggestion was made that there would be no objection to giving him the fifteen minutes additional that he desired. I now ask unanimous consent that he be allowed that time.

Mr. SAYERS. It was understood that whoever controlled the time in favor of agreeing to the amendment would yield to the gentleman from Missouri [Mr. MANSUR] the time that he desired.

Mr. DINGLEY. But I took it for granted, from the statement that was made, that he would be allowed extra time. I had promised five minutes to each of six gentlemen, which would take up the whole of the half hour controlled by me, and that was why I made the suggestion.

Mr. SAYERS. I did not so understand the gentleman from Maine. I did not understand that the idea was that he should use or portion out the whole of his thirty minutes, and that the gentleman from Missouri [Mr. MANSUR] should then have fifteen minutes more.

Mr. DINGLEY. Well, I yield five minutes to the gentleman from Missouri, and I ask unanimous consent that he have ten minutes more, as he is chairman of the committee that made the report upon these claims.

Mr. WHEELER of Alabama. Mr. Speaker, I ask unanimous consent that the time on each side be extended to forty minutes.

Mr. DINGLEY. In view of the fact that the gentleman from Missouri [Mr. MANSUR] made the report on the subject, I think there ought to be no objection to giving him an extension of ten minutes, with the understanding that a like extension shall be given to the other side.

Mr. SAYERS. Mr. Speaker, as there seems to be some misunderstanding about this matter, I ask unanimous consent that the debate on this amendment be extended twenty minutes longer; ten minutes of which shall be under the control of the gentleman from Maine [Mr. DINGLEY] and ten minutes under my own control.

The SPEAKER. By the previous order of the House all debate on this Senate amendment has been limited to one hour, but the gentleman from Texas [Mr. SAYERS] now asks unanimous consent that the time be limited to one hour and twenty minutes instead of one hour, the time to be equally divided between the supporters and the opponents of the pending proposition.

There was no objection, and it was so ordered.

Mr. DINGLEY. I yield fifteen minutes to the gentleman from Missouri [Mr. MANSUR].

Mr. MANSUR. Mr. Speaker, the history of these claims covers ninety-two years of our existence as a nation. We had thought this question was settled when a bill was passed in the last Congress appropriating \$1,304,000, which has been paid to claimants upon the adjudications of the Court of Claims, to which, by a solemn act of Congress, the question of adjudicating, not only upon the amount, but also upon the questions of who were

the heirs and who were owners entitled to these claims by descent. I say, sir, we had concluded that the fight was ended. But we find it again precipitated in this Congress.

These claims are the last portion of the price of our American independence. It has been declared in both Houses of Congress in past years, and I concur in the declaration, that there is a stain upon the honor of this Government until these claims are paid. Twice this Government repudiated its contracts and obligations to France. Once by the Jay treaty with England, and secondly, in repudiating these claims, after France had given to her an equivalent for them, and out of said two repudiations on the part of the Federal Government come these claims.

Gen. Washington, in his letters to the Continental Congress, written in the winter of 1777-78, drew the most gloomy picture of the condition of the American Army that could possibly be drawn. He declares that there were 2,898 men barefoot and in hospitals, that thousands were without shoes, and other thousands without blankets, so that they had to sit by the camp fires all night to keep warm. Three hundred officers resigned their commissions, and Washington said to Congress more than once that it seemed as if there was nothing for the American Army to do but to starve, disperse, or dissolve.

That was the darkest hour of the American Revolution. At that very moment there were across the waters three of our commissioners, making a treaty with France. France agreed in February, 1778, to guarantee the absolute independence and sovereignty of this country against all nations, and especially against Great Britain. She carried out that guaranty. When the news of the treaty came at Valley Forge it was read by the camp fires, and letters are extant on record which state that George Washington himself, lost his head, took off his hat, waived it, and led in the huzzas and rejoicing of the occasion. That was the turning moment in the destinies of this Republic. France came to our aid and spent \$240,000,000, equivalent to-day to \$2,000,000,000, in securing and guaranteeing our freedom.

Besides this money, she spent her blood, the lives of her soldiers—she aided us with her army and navy from the winter of 1777-78 until October, 1781, when at Yorktown, Cornwallis surrendered, and the independence of this country was assured.

France did not do all this for us for nothing. We gave something for this guaranty and this aid, and there lies the secret of these claims. We agreed to give to France, and especially as against our enemy, Great Britain, the exclusive free use of our ports, and in addition to that, we agreed also to be her ally in time of war, and to guarantee to her, especially against Great Britain, all her West India possessions.

To our dishonor be it said, after the war was over the greed of gain came into play; there being no manufacturing interests in this country, our sole source of money making was trade and commerce. A large portion of our population being allied by ties of blood and marriage with the people of England, there grew up two parties—one known as the English party, and the other as the French party. John Jay went to England as the representative of this Government and in sympathy with the English party, and in February, 1784, he concluded what is known to history as the Jay treaty. What did that treaty do?

The very treaties which we had agreed should last through all eternity, guaranteeing to France the exclusive free use of our ports and the assistance of our people as against any assaults by Great Britain upon her West India possessions, we abrogated them and took them back. The identical port privileges which we had guaranteed solely to France we agreed should belong thereafter to Great Britain, and Great Britain only. We took them away from France; and all for the sake of the almighty dollar—that, and that only. France got angry—she had a right to get angry—at our want of faith. She had been committing some minor spoliations on our commerce, but as soon as the Jay treaty became known those spoliations became more vigorous and more numerous.

For the next five years she preyed upon our commerce; she was about to drive it from the seas. She cut down the revenues of the American Government more than a million dollars—a million and a half of dollars. They did not amount to more than \$7,000,000 in all. The Federal Government was almost confronted with bankruptcy as the result of this condition of things. George Washington, with Thomas Jefferson as his Secretary of State, issued a circular letter to American shipping merchants—the only one in the history of our Government. It addressed itself directly to merchants engaged in foreign trade.

By that circular letter we said to merchants in America doing a foreign business, "Send your ships abroad; and if spoliations be committed upon them, send the necessary proof to the State Department; and we commit the honor of this Government to the pledge that proper proceedings shall be adopted for your relief and you shall be repaid." This pledge was signed by Washington and Jefferson. On the faith of that (because otherwise

our commerce would have failed and there would have been no revenues to the Government) our merchants continued to engage in foreign trade; they again sent their vessels abroad. Those vessels were spoliated to a very large extent.

This continued up to the time when, as a consequence of negotiations with France for the settlement of this question, in July, 1800, ratified, I believe, in September, 1801, it was agreed between this Government and France that there should be a final settlement of these matters. The Federal Government by that circular pledge and their after conduct in settling with France, took under its care and into its control the private property of our people—that is to say, these claims.

During all the negotiations France said to our Government: "Ours is a national claim; you have violated your treaty; you have deprived us of our port privileges and given them to our ancient enemy, Great Britain; in addition to that, you have issued your proclamation of neutrality and did not come to our aid as you should have done."

Consequently we lost all our islands in the West Indies. Therefore we have a national claim against you; and we will not pay these spoliation claims made by you on behalf of your citizens until you settle our national claim; we will offset one against the other.

I have not time to demonstrate this matter. But nearly every leading mind of this country—notably Marshall, notably Webster, notably Clay—these men and many more whom I can not designate for want of time, have taken the position that, as the Federal Government took charge of these claims to prosecute them against the French Republic and finally surrendered them as an equivalent for a release by France of her national claim to us, it thereby made itself responsible to the owners for these claims under the clause of the Constitution, which provides "That private property can not be taken without just compensation be made therefor."

Mr. TURNER. As the gentleman is giving us the history of those transactions I suggest to him that as a part of the truth of history he should state that bills to pay these claims were twice vetoed by Democratic Presidents.

Mr. MANSUR. I will state that. The first time the bill was vetoed on the distinct ground, and that only, of inexpediency, it being held that if the claims ought to be paid at all, a much larger amount ought to be paid than Congress had appropriated, viz: \$5,000,000.

Mr. GROUT. The other time the veto was upon the ground that we had not the money in the Treasury.

Mr. MANSUR. That is so. I wish to say that from the time these claims began to be investigated by Congress down to the present time there has been a vast preponderance of the great men of the nation in their favor. Not only that, but as early as 1802, when Mr. Giles made the first report on this subject, the report was absolutely in favor of the payment of these claims; and five years afterward, in 1807, Mr. Marion, of South Carolina, made the second report and took the same ground.

Mr. TURNER. I do not wish to take the gentleman's limited time, but if it does not interfere—

Mr. MANSUR. You do interfere with me a little.

Mr. TURNER. Then I will not interrupt the gentleman.

Mr. MANSUR. I am sorry that I can not yield; I do not wish to be discourteous. There have been fifty reports made on this subject; and up to six years ago—I may say up to the Fiftieth Congress—only two of these reports have been adverse; and both of those were made prior to 1820, when the Federal Government for the first time published the whole of the correspondence relating to these claims. Over fifty reports have been made in all.

But, Mr. Speaker, it is due that I should state the amounts supposed to be involved in these claims. The Attorney-General in 1888, I think, the exact date is embodied in the committee's report, declared that they amounted, in his judgment, to \$30,000,000. Since then twenty-two millions of these claims have been adjudicated and reported by the Court of Claims—I give round numbers, of course—leaving but eight millions remaining unadjudicated. Out of the twenty-two millions in round numbers but two and three-quarter millions have been adjudicated against the Government.

Mr. DINGLEY. Out of the twenty-two millions?

Mr. MANSUR. Yes, out of the twenty-two millions only about two and three-quarter millions have been adjudicated against the Government; and after an investigation of this subject, extending over several years, the best result of my examination convinces me that it will not take over six or seven millions in all to settle the whole of these claims. Great men and statesmen, especially Webster, declared the time would come when the honor of this Government would coerce their payment. Henry Clay has said so, Jefferson, Marshall, Prentiss, Livingston, Everett, and Cushing, all have said so; and if we go back and take the utterances of the statesmen who concluded the

treaty of July, 1801, there is not a man of them on either side of the water, connected with the settlement by treaty of these claims, who has not given his opinion to the same import.

The only objection, Mr. Speaker, that I have ever heard urged against these claims is the allegation that they originated in war. No man can study the history of these claims and assert that to be a fact and then prove it. If it be possible to do so then he proves President John Adams; he proves Timothy Pickens, his Secretary of State; he proves President Thomas Jefferson; he proves Napoleon Bonaparte; he proves Talleyrand, Bonaparte's secretary of state; he proves the French Minister Genet, to this country at that time; he proves Fleureur, Roderer, and Bonaparte, the three diplomats who, on behalf of the French Government, had charge of all the negotiations that led to the treaty between the two nations—he proves every one of them to be an ignoramus and a liar, for all, each and every one, has left on record in his writings that there was no war between the two countries. Every one has solemnly declared that no war existed.

John Adams, three years before his death—he was President at the time these transactions occurred and ought to know—left on record the statement that the troubles with France drove him from public life, but he thanked God that he had preserved peace during all of those troublesome times, and added, "My sole object was to preserve the peace and neutrality of the country; and that, I thank God, I obtained, but at the loss of my fame and power with both sides."

I regret, Mr. Speaker, that I have not time to do this subject anything like limited justice. If out of twenty-two millions of claims adjudicated, the Government has been found to owe but two and three-quarter millions; with \$1,304,000 appropriated by the last Congress, also the further fact that the balance of the unadjudicated claims amount to but \$8,000,000, then with a small amount appropriated each year, for it will take five or six years necessarily in the regular course of business of the Court of Claims to adjudicate the remainder, with these facts it is manifest that the claims can never amount in any one year to any very considerable sum, and that it will take but a small appropriation each year to meet what is due.

There can not be a big amount in any one year—probably not in any one year a larger amount than what was paid last year, \$1,300,000.

There are no insurance claims among those in the pending bill. Of the amount reported, largely over one-half, nearly two-thirds will be paid to parties living in Maryland and States south of it.

The SPEAKER. The time allotted to the gentleman has expired.

Mr. DINGLEY. I now yield five minutes to the gentleman from West Virginia [Mr. PENDLETON].

Mr. PENDLETON. Mr. Speaker, if there is any one subject in which I take very deep interest it is in the payment of these French spoliation claims. In my own district in West Virginia there are a large number of the descendants of the victims of these French spoliations now residing, and that fact united with others has caused me to give to this question considerable study. I do not think there is any doubt whatever, under the treaties our Government made with Napoleon when he was First Consul, that we thereby bought ourselves clear of our liability towards the French Government at the expense of a large number of American citizens.

Those who have studied the history of our Revolution know that one of the conditions of the treaty which France made with us in 1778, to guarantee us our independence, was the exaction of a stipulation that if thereafter she should become engaged in any war with Great Britain, the United States was to assist her with all of its power in the defense of her West India colonies. It was found a few years after, when the French Revolution came on, that England and France had become entangled in a gigantic war, lasting for more than twenty years, and when they were at the height of the struggle, and the French navy was being driven from the high seas before the British flag, the French Government made the very natural demand that we should live up to the terms of the treaty under which we had brought to our assistance the powerful aid of France in our great Revolutionary struggle.

But, on the contrary, we found that it would be more profitable for us to remain at peace and keep out of a war, and the consequence of our failure to aid France was that the French Government permitted French vessels and French privateers to spoliates upon and destroy American commerce upon the high seas of the world. The matter went on for some five or six years, until the revolutionary government in France was overthrown and Napoleon Bonaparte came into power as First Consul of the French Republic.

In the year 1800 we negotiated a treaty with him, and by that treaty we entered into another agreement with the French Gov-

ernment that that Government should forever release us from our liability to defend the French West Indian colonies, and that our Government should assume all claims that American citizens had against the French Government on account of these spoliation of which we have been speaking. The result was that we bought ourselves clear of an international liability at the expense of American citizens, and thereby pledged ourselves to pay claims that American citizens had, on account of these spoliation, against the French Government, if they had any.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. PENDLETON. I would like to answer the gentleman if I had time.

Mr. SAYERS. I will give you a minute of my time. Is that a fact which you are stating, or merely a deduction?

Mr. PENDLETON. I am stating what I consider to be a historical fact, when I allude to the treaty. Now, as to the question whether there was a state of war existing between this country and France or not. The liability for these claims depends upon that matter. All admit that if we were at peace with France our Government is liable. Were we at war?

Mr. SAYERS. It has been so declared by the highest authorities.

Mr. PENDLETON. It has been declared by the decision of the highest court that has passed upon that question, to wit, the Court of Claims, that there was no war.

Mr. SAYERS. But the Supreme Court of the United States has decided that there was war.

Mr. PENDLETON. I have never seen that decision, or heard of such a one.

Mr. SAYERS. I will show it to you.

Mr. PENDLETON. It was also declared by Napoleon Bonaparte, when he was a prisoner in that desolate island in the ocean far from his home, that the treaty that he made was one of the proudest diplomatic triumphs that he had ever achieved in his whole career. And why? Because, he said, while there was no war existing between the American Government and the French Government, yet that the French Government had become liable, morally, legally, and equitably, according to international law, to American citizens for these large claims, and that by making this treaty and giving up what he regarded as practically nothing, to wit, American assistance in the defense of those colonies, the colonies being of little value, that the French Government had bought itself clear of any liability for these claims, and had thereby saved itself from the payment of vast sums of money.

[Here the hammer fell.]

Mr. DINGLEY. I will reserve the balance of my time and ask the other side to use a portion of theirs.

Mr. PENDLETON. I understood I was to have a minute more.

Mr. SAYERS. I will give the gentleman a minute if he will answer my question.

Mr. PENDLETON. Make it two.

Mr. SAYERS. No, I can not do that.

Mr. PENDLETON. You must not take up my last minute in asking questions. Now, I desire to utter one word of appeal to this House on this question. For nearly one hundred years these claimants have been knocking at the doors of Congress, asking for their money. These claims are not stale claims. Almost immediately after the making of that treaty they came before Congress, and from that hour to the present the owners or their descendants have been demanding justice at the hands of the American Congress; and I say that when our Government bought itself clear of the liability under which it rested in the manner that it did, that it is a shame, a scandal, and a disgrace to American honor, to the honesty of the American Congress, and the reputation of the American people as a just debt-paying people that these claims should not be paid. We can now make no excuse; there is none, and we have no escape from the call of duty.

Mr. SAYERS. I will give the gentleman a half minute longer if he will answer a question.

Mr. PENDLETON. Half a minute is no time in which to ask and answer a question.

The SPEAKER. The gentleman's time has expired.

Mr. DINGLEY. I reserve the balance of my time.

Mr. PENDLETON. I ought to have had more time. An hour's time would not exhaust the subject.

Mr. SAYERS. I yield ten minutes to the gentleman from Alabama [Mr. COBB].

Mr. COBB of Alabama. Mr. Speaker, it is embarrassing to attempt to enter into an argument of a question of this breadth and magnitude, and to confine it within the limit of time allowed me in which to now address the House. I can only allude very briefly to some of the reasons why these claims ought not

to be paid and ought not to have any recognition by the Congress of the United States.

It can scarcely be doubted by any impartial or inquiring mind that at the time these claims are supposed to have originated there was existing a state of war between France and the United States, and there is no better recognized principle in the law of nations than that a state of war such as then existed between the two countries utterly extinguishes any claim that might have theretofore subsisted on the part of the citizens of one country against the government or citizens of the other. I shall not dwell upon that.

But aside from that there was actually no consideration for the promise, if any was made by the United States, for the payment of these claims. Why, the gentleman from West Virginia [Mr. PENDLETON] talks about a guaranty that the French received from the United States pending the Revolutionary war. He ought to know, and does know if he has examined the record, that long before the existence of the facts upon which these claims are based the United States, by solemn act of Congress, had abrogated any and all treaties that existed between France and the United States under which these guaranties are supposed to have subsisted.

So that before these facts occurred upon which these claims were based there was a solemn act of the Congress of the United States by which the treaties that had theretofore subsisted between France and the United States had been entirely and utterly abrogated.

Another proposition, Mr. Speaker, is that there was absolutely no agreement between the diplomats of the United States and of France under and by which these claims were promised to be paid. Now, sir, I can not go into that argument, because it would involve a detailed statement of the articles of agreement entered into by the representatives of these two nations at that time; and when you come to examine the point you will find that there was nothing upon which to base the assertion that there ever was upon the part of the United States, acting through any of its representatives, any recognition whatever of the existence of this right upon the part of the citizens of the United States to claim indemnity from our Government.

I made some observations on this question in the Fiftieth Congress, where these claims were defeated in a Democratic Congress; and I will say, in passing, that a bill passed by Congress for their payment has twice been vetoed by a Democratic President.

Mr. SIMPSON. Does the gentleman have any recollection who they were?

Mr. COBB of Alabama. President Polk was one and President Pierce the other.

But the case to which I refer is this: When these matters were under discussion in the Fiftieth Congress, I alluded to this conference had between the representatives of the two nations respecting the differences then existing between them, and I made certain observations.

I will read them, but before I do that let me allude to the situation. There were certain claims made upon the part of both governments. The representatives of the United States insisted that these claims should be made by France. There was no recognition of the obligation on the part of the United States Government ever to pay them, and the representatives of the United States rightfully insisted, as I shall show directly, that they should be paid by France. France on her part insisted that there should be a restoration of the treaty under which the guaranty was given of her West Indian possessions.

That was her claim, and everything else was made subservient to that. France knew that that treaty had been abrogated; and the principal claim on the part of France was that the United States should guarantee her in her West India possessions. That was the matter on which her representatives were insisting.

Mr. MANSUR. Were not these claims made a set-off?

Mr. COBB of Alabama. No, sir; there was not one dollar of these claims to be made a set-off. I said in the Fiftieth Congress, when this measure was under consideration:

I hope full answer to the gentleman's *reductio ad absurdum* will be developed in the further prosecution of this argument.

With reference to the transactions between the ministers pending negotiations, in what I inquire, were they engaged? It was diplomacy. If it was true that diplomatists were expected to be, and were, at all times, entirely frank and truthful with their antagonists; that they only advanced claims they knew to be well founded; that pretensions of more than doubtful legality were never put forward in the diplomatic intercourse of nations; or, if nations, in such intercourse, never masked their true designs by such pretensions, then, indeed, the gentleman's *reductio ad absurdum* might have something of plausibility in it.

I alluded there to a remark made by some gentleman on the other side of this Chamber.

But diplomacy is recognized as a species of contention approximating in its characteristics, if not in its mode of conduct, war itself.

What was the situation? Here were two governments met to adjust differences—call them what you will—serious in character and involving serious consequences in their settlement. They had been produced by the antagonisms of years past, and were growing more complicated every day.

It was known that France would insist that the United States had, to her great damage, violated wantonly the treaties of 1778. Several gentlemen preceding me say, with great emphasis, that this claim was just. But whether just or not, it was certain to be advanced, and if entertained it involved large pecuniary considerations. The United States did not believe she had violated these treaties; she would resist steadily such insistence by France; not, however, by invoking in the first instance the doctrine that war had extinguished damage claims, for reasons that will more fully appear hereafter.

Certainly, the claims now under discussion were, to say the least, as just as the claim of France for violated treaties. Other claims than these were held by our citizens against France, being those afterwards recognized and paid. In this condition of affairs, what a spectacle "to make all the world wonder" would have been presented if the ministers of the United States had, with frankness hitherto unknown in the history of the diplomatic intercourse of nations, approached the ministers of France with the declaration, "You have damaged our people greatly: you have destroyed their ships, seized and condemned their property, but we are too candid and honest to demand reparation, because we know that war has extinguished the right to make such demand?"

Such may be the course in like cases pursued when—the millennium has more nearly arrived.

But let us look a little more closely into this matter, and consider the attitude of the respective parties as affected by their interests.

The United States has entered into treaties with France in 1778 in terms highly beneficial to the latter, but burdensome and embarrassing to the former.

It would be more tedious than profitable, at this time, to recount the circumstances which led to these treaties, or the condition of affairs in this country which justified the concessions made in them to France to the exclusion of other powers. It is sufficient to say they were unusual in character and in the privileges and advantages they conferred, and threatened to involve us in foreign complications.

Notwithstanding all this, it was the desire and purpose of the Government of the United States to adhere faithfully to the stipulations of the treaties, properly construed, and did not relinquish this desire and purpose until France, by arrogant wrongdoing, extending through years, had rendered their further observance incompatible with our national honor. When, however, these treaties were justifiably revoked by the act of Congress, the thought of their restoration in their original form was not to be entertained. An accommodation was necessary to our interests, but as American citizens had suffered so heavily by French spoliation, it was not only proper but highly desirable to secure, in the terms of a new treaty, recognition of obligation on the part of France to indemnify the sufferers from her arrogant and unjustifiable course.

The fact that, under the principles of international law, all claim for such indemnity was extinguished, afforded in itself no justification for her wrongful acts; and, more than all, it was for France to invoke as her shield the laws of war, and not for the United States to proffer such protection.

Until France had so sheltered herself it was the duty of the American Government to urge, to the extent short of solemn war, payment for the injuries she had inflicted.

On the other hand, France realized to the utmost her advantages over other powers conferred by the treaties of 1778. She desired their full restoration. This was to her matter of first importance; all things else were secondary. She was prepared to resist, with persistent energy, the idea that the treaties had been annulled; to deny the right of the Congress of the United States to revoke them; and to refuse to recognize any fact or circumstance or even law which would weaken their binding force on the Government of the United States. Thus it will be seen that, when the ministers of France and the United States met, their interests were alike in one respect—to ignore the fact of the existence of war between the two countries.

If the unpleasantness or "transient misunderstanding" or hostilities between the countries was war, then the treaties of 1778 were beyond question annulled; and this view would not suit France, because, as I have shown, her first and highest interest was to have these treaties recognized with all their binding obligations. It would as little suit the United States, because the recognition of war would completely destroy the validity of many claims which she desired to urge against France. If gentlemen would give consideration to these views, and if they are not sound I have failed after most diligent effort to read correctly the history of the times, they would be less inclined to rest their arguments on the pretensions of the acute diplomatists who assembled at Paris in the year 1800.

That was the contention on the part of France, that we would recognize the binding force of the treaty of 1778 on our part; when that treaty was already abrogated.

Now, Mr. Speaker, this contention went on, until finally our representatives justly urged upon the French Government that she could pay these French spoliation claims, because when we attempt to enter negotiations of that sort we propose to insist upon everything we could get to benefit our people. It is a known principle of international law that no government is authorized to insist upon the payment of private claims to the extent perhaps of producing war between those countries, unless it were something of unusual magnitude.

This was not a case of that kind, because these people who claimed to have lost this money entered upon these transactions with their eyes open. They insured their goods, and by far the larger amount of claims are in behalf of insurance companies. These insurance companies doubled and trebled the payment of premiums on their insurances. And why did they do it? Because they knew of the existence of this state of war and they were willing to take the risk, and the people took the risk in carrying on their business.

[Here the hammer fell.]

Mr. STUMP. I will ask the gentleman whether there are any claims of insurance companies in this bill?

Mr. COBB of Alabama. If the gentleman will yield me further time, I will answer the gentleman.

Mr. SAYERS. I now yield one minute to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Mr. Speaker, the gentleman from Missouri [Mr. MANSUR] insists that the question as to the validity of these claims was settled by the last Congress. Of course that Congress settled the question to their own satisfaction, but it did not settle it to the satisfaction of the American people. That body settled the question that a claim well lobbied by a Republican lobbyist, no matter how unjust the claim might be, could be got through a Republican Congress.

It also settled that a Republican Congress without a scruple would trample the Constitution of our country under their feet. It settled that in a Republican House the minority had no rights which the Speaker was bound to respect. It settled—

Mr. MILLIKEN. You have followed the precedent in this Congress.

Mr. WHEELER of Alabama. There is very little minority here and that little minority have been given unprecedented power on committees and upon the floor, more than double the power that was given to Democrats when the condition of party strength was reversed in the Forty-second and Forty-third Congresses.

It settled so far as it could that the poor and lowly were to be trampled under the feet of the rich and powerful.

So far as lay in the power of that Congress it settled that the McKinley bill, to make the rich richer and the poor poorer, should be adopted in this country, and become the policy of this Government and the law of our land.

It also settled that if the Republican party remained in power such laws and laws of a kindred nature would be the kind the people might expect from a Republican Congress. It settled that with Republicans in power the dicta of a Speaker who had no respect for the Constitution or parliamentary law or any other law could pass a bill by making the record show that a member was present when said member was in the State of Illinois or some other distant State.

Mr. Speaker, the gentleman from West Virginia [Mr. PENDLETON] tells us that these claims have been persistently pressed upon Congress for a hundred years, and that the advocates of this legislation admit that it has been repudiated by Democratic administrations, and all other administrations until it met sympathetic consciences and sympathetic hearts in this last lavish "billion-dollar" Congress. The fact that the last Congress decided in favor of these claims and that they had been repudiated for nearly a hundred years only illustrates the dominating characteristics of the men who controlled that body.

Mr. Speaker, I am happy to be able to say that the last Congress did settle some things very conclusively and to the fullest satisfaction of the entire country:

First. That the Republican party is not fit to control legislation.

Second. That the Constitution and the liberties of the people are not safe in their hands.

Third. That the Republican party legislates for the rich, and against the poor.

Fourth, and last. That the Republican leaders have no conception of the true principles of free government, and that the verdict of the people is that the Republican party is a thing of the past, and that it stands to-day distrusted, repudiated, and rebuked. [Laughter and applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SAYERS. Mr. Speaker, it is near the hour for the recess and I ask unanimous consent that a recess be taken now until 8 o'clock this evening.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 6073) to authorize the Postmaster-General to provide mail service, and for other purposes.

It also announced that the Senate had passed the bill (S. 2799) to provide for the dedication of the statue erected to the memory of the Marquis Marie Jean Paul Roch Yves Gilbert Motier de Lafayette, a major-general in the Army of the United States; in which concurrence was requested.

It also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 621) to provide for the collection, custody, and arrangement of the military records of the American Revolution and the war of 1812; and

A bill (S. 2470) to amend the Articles of War, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WARWICK, 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. 3821) granting a pension to Cecilia White;

A bill (H. R. 5477) to pension Martha A. Beerbower;
 A bill (H. R. 5941) to build a bridge across the Tennessee River between a point in Whitesburg, in Madison County, and Morgan County, in the State of Alabama;
 A bill (H. R. 6752) granting a pension to Martha J. Griffith;
 A bill (H. R. 7042) granting a pension to Thomas Thompson;
 A bill (H. R. 7117) granting an increase of pension to Henry Merritt;
 A bill (H. R. 8398) for the relief of Susan Lomasney; and
 A bill (H. R. 8618) granting a pension to Frances B. Wilson.

LEAVE TO WITHDRAW PAPERS.

Mr. BOATNER, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the claim of Mrs. Mattie Holloran.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
 To Mr. LIVINGSTON, after this day, on account of important business.

To Mr. ENLOE, for two days, on account of sickness.

The request of Mr. SAYERS was then agreed to; and the House accordingly (at 4 o'clock and 52 minutes) took a recess until 8 o'clock p. m.; the Speaker announcing that Mr. CUMMINGS would preside as Speaker *pro tempore* at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

Mr. CUMMINGS as Speaker *pro tempore*, called the House to order.

Mr. MARTIN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the State of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business under the special order.

ORDER OF BUSINESS.

Mr. MARTIN. Mr. Chairman, I ask unanimous consent that the roll of the members of the House be called, and that each member present, as his name is reached, be allowed to call up one bill now on the Calendar with a favorable report.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the roll be called, with the privilege to each member of calling up one bill on which there is no adverse report. Is there objection?

Mr. MCKAIG. I object.

Mr. HAYES of Iowa. I do not want to object, but I wish to say that the most satisfactory way that we have ever dealt with this business has been by having the Calendar called for one hour, and then having the names of members called for an hour, with the privilege to each of calling up a bill.

The CHAIRMAN. The gentleman from Maryland [Mr. MCKAIG] objects.

Mr. MCKAIG. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. Is there further objection?

Mr. FITHIAN. What is the question, Mr. Chairman?

The CHAIRMAN. The Chair has stated the question to be upon the request of the gentleman from Indiana [Mr. MARTIN], the chairman of the Committee on Invalid Pensions, that the roll be called and that each member have the privilege of calling up a bill upon which there is no adverse report.

Mr. FITHIAN. The names to be called alphabetically?

The CHAIRMAN. Alphabetically.

Mr. FITHIAN. I do not object.

Mr. TARSNEY. Mr. Chairman, is it understood that the bill which each member may call up is to be his own bill?

The CHAIRMAN. That is not the request.

Mr. TARSNEY. Then, Mr. Chairman, I desire to enter my protest against the arrangement. Some men got a half a dozen bills through here the other night.

Mr. HAYES of Iowa. Well, is not honest industry entitled to some reward? [Laughter.]

Mr. BUSEY. Mr. Chairman—

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. BUSEY] to object?

Mr. BUSEY. Mr. Chairman, my objection is this: There are a few members in this House who, unfortunately, do not stand in with the ring and have not been able to get any bills reported favorably, or even to be heard before the committees, and this arrangement cuts out any bill on which there is an adverse report. I have a bill that I want to bring before this House in defiance of an adverse report and let the House decide upon its

merits. If the request can be modified so as to permit that bill to come in I will not object, but if the form of the request is such that it cuts out all bills on which there are adverse reports, then I must object.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent that the gentleman's [Mr. BUSEY's] bill be considered when called up by him.

The CHAIRMAN. The gentleman from Nebraska [Mr. BRYAN] asks unanimous consent to modify the request of the gentleman from Indiana so that the gentleman from Illinois [Mr. BUSEY] may have an opportunity to present the bill indicated by him.

There was no objection.

Mr. BROWN. I make a like request, Mr. Chairman, for the gentleman from Maryland [Mr. MCKAIG].

There was no objection.

Mr. TARSNEY. Mr. Chairman, I have no objection to the proposition of the gentleman from Indiana [Mr. MARTIN] if it be so modified as to secure equal justice to the members of this House as their names appear upon the roll; but it is evident to every gentleman present that this is almost certainly the last evening on which he will have an opportunity to consider these pension measures, and under the proceedings here last Friday night some members called up their own bills and then parceled out as many as half a dozen others to gentlemen who had no bills of their own, the result being that some of those near the head of the list had the advantage of passing half a dozen bills, while the members who were so unfortunate as to have their names lower down on the roll had not that opportunity. I have no objection to the roll being called and each member present presenting a bill that he has introduced and having it considered, and then, when all the members here have had an equal opportunity, let gentlemen who desire to do so call up bills for friends who are absent.

Mr. MALLORY. Mr. Chairman, I do not object to the proceeding which has been followed heretofore, but I take exception to the mode of procedure which the gentleman from Missouri [Mr. TARSNEY] undertakes to lay down, which would amount to this, that I, being so unfortunate as to have no pension bills of my own, can not be permitted to call up the bill of a colleague who is sick, proposing to pension a person who is not a constituent of mine.

A MEMBER. If you have a bill introduced by yourself, you have a right to call it up.

Mr. MALLORY. But, as I have just said, I am so unfortunately situated that I have no pension bills of my own. Nevertheless, from what I have heard in matters of this kind, I am interested in other bills; and I can not understand why I should not be allowed to call up a bill simply because I did not introduce it, although I may know and appreciate the fact that it is just as deserving a bill as any presented here.

I am free to say that I have no bill of my own to-night, and I am here simply from a sense of duty. At the same time, if it should happen that I can aid a friend in this House by calling up a bill in my turn, I do not see why I should be debarred from doing so simply because I did not introduce the bill. In addition to that I will say—

The CHAIRMAN. This debate is proceeding by unanimous consent.

Mr. MALLORY. I know it is; but I am going to object to any proceeding out of the regular order unless I can have the right to call up a bill for my colleague, who is absent because of ill health, which prevents him from attending these night sessions. He has in his charge a pension bill which I propose to call up; but I shall be unable to do so under the proceeding which some gentlemen seem disposed to enforce here. I propose, therefore, to object to any bill being called up unless I can call up my colleague's bill. We may as well go on harmoniously, as we did last Friday night.

The CHAIRMAN. Will the gentleman from Indiana state his request again, so that the Chair may put it to the committee?

Mr. MARTIN. I ask unanimous consent that the Clerk be directed to call the roll of members in alphabetical order, and that each member as his name is reached be allowed to call up a bill upon the Calendar.

Mr. BARTINE. As a substitute for that, I ask, in the interest of equity, that this evening we begin at the bottom of the roll and go backward.

The CHAIRMAN. The Chair will state that at the last evening session the roll was called in its entirety. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the roll be called in alphabetical order, and that each member, as his name is reached, be permitted to call up a bill on the Calendar. Is there objection?

Mr. BUSEY. I object.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

ANN MERCER SLAUGHTER.

Mr. MEREDITH. I ask unanimous consent to call up a bill to which, when I have stated the case, I believe there will be no objection. I am sure it will not take more than three minutes to pass it. It is a bill to pension the daughter of a Revolutionary officer.

The CHAIRMAN. The bill will be read, after which there will be opportunity to object.

The bill was read, as follows:

A bill (H. R. 9433) granting a pension to Miss Ann Mercer Slaughter.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Miss Ann Mercer Slaughter, a daughter of Capt. Philip Slaughter, an officer in the Revolutionary war, upon the pension roll at \$30 per month; the said Miss Ann Mercer Slaughter being blind, helpless, and dependent, and over 82 years of age.

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

Mr. CARUTH. I will not object, if I can be recognized next.

The CHAIRMAN. Is there objection to the consideration of this bill? The Chair hears none.

Mr. MEREDITH. Members of the Committee of the Whole will agree with me, I think, that I have not often asked for the passage of bills of this kind. I believe this is the first occasion on which I have ever asked to pass through this body a bill granting a pension to anyone; and I would not do so now if this were not a peculiar case. This lady, Miss Slaughter, is the daughter of a Revolutionary officer—Capt. Philip Slaughter—. [Cries of "Vote!" "Vote!"]

Mr. MEREDITH. My friends here say they will pass this bill without further explanation; but I desire to have the bill amended so as to correct a mistake, by striking out "Miss" and inserting "Mrs."

The CHAIRMAN. If there be no objection, the proposed amendment will be considered as agreed to.

Mr. MCKAIG. I object.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. MEREDITH].

Mr. CHARLES W. STONE. Mr. Chairman, on two previous pension nights I have asked the House to consider a bill exactly similar to this—a bill granting a pension to the daughter of a Revolutionary soldier. On each occasion, after the House had, by a majority vote, assented to the propriety of the bill, it became necessary to withdraw it because the point of no quorum was made. If it can be understood that should this bill go through, the bill which I have in charge, a bill exactly similar in character to this, shall be treated in the same way as this bill, I have no objection.

Mr. MEREDITH. I have the floor and have not yielded as yet. If my friend will permit me, I wish to state that this lady is over 82 years of age. She is blind, utterly helpless and dependent. She is as poor as Lazarus. She is the daughter of one of the most gallant officers of the Revolution, Capt. Philip Slaughter, who raised the first company in the Revolutionary war in Virginia, and went from Culpeper before Lord Dunmore had deserted Williamsburg and gone on board his vessels. The lady is absolutely in need. I understand there are only three children of Revolutionary soldiers living. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question will first be taken on the amendment.

The amendment was adopted.

The question recurred on laying aside the bill to be reported to the House with favorable recommendation.

Mr. MOSES. Mr. Chairman, I call for a division.

The committee divided; and there were—ayes 73, noes 2.

Mr. MOSES. I will not make the point of no quorum now; but the understanding is that it will take a quorum to pass this bill in the House.

The CHAIRMAN. The ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

The CHAIRMAN. The Chair is informed that the gentleman from Illinois [Mr. BUSEY] withdraws his demand for the regular order, and his objection to the request made by the gentleman from Indiana, that the roll be called in consecutive order, and that members have the privilege of calling up bills as their names are reached on the call. Is there further objection?

There was no objection.

Mr. CHARLES W. STONE. Mr. Chairman, I object.

Mr. BLANCHARD. But that is too late, Mr. Chairman. The Chair announced that there was no objection.

Mr. CHARLES W. STONE. I wish to state that the first bill on the Calendar is a bill to pension the daughter of a Revolutionary soldier.

As soon as this bill is disposed of I will make no further objection.

The CHAIRMAN. The gentleman from Pennsylvania insists upon the regular order, and the Clerk will report the first bill upon the Calendar.

Mr. FITHIAN. I want to give notice to the gentleman from Pennsylvania that he can not pass his bill to-night if he insists on making this objection.

Mr. CHARLES W. STONE. Let me state this to the gentleman, and he will understand my position. The first bill on the Calendar is similar to the one just passed—

Mr. BROWN. I rise to a question of order.

The CHAIRMAN. The gentleman from Indiana will state his point of order.

Mr. BROWN. I make the point of order that the gentleman from Pennsylvania did not interpose objection to the request for unanimous consent until after the Chair had announced the result, and therefore the objection comes too late.

Mr. BLANCHARD. That is correct.

Mr. BROWN. Therefore the order of the House is that the names of members be called in alphabetical order.

The CHAIRMAN. The gentleman from Indiana makes the point of order that the gentleman from Pennsylvania rose too late, or after the announcement was made by the Chair. That statement the Chair takes to be correct.

Mr. CHARLES W. STONE. I want to state as a matter of fact, Mr. Chairman, that I was standing all the time.

The CHAIRMAN. Did the gentleman rise for the purpose of making objection?

Mr. CHARLES W. STONE. I was waiting for that purpose. But let me make this statement: The bill just passed, to which I made no objection, was passed with the understanding that my bill should be treated in the same way. It is exactly similar to that bill, and I wish to call it up for consideration. I do not want, though, to impede the business of the House, but I want that bill treated just as this last one was. I am perfectly willing, therefore, to let the bill go for the present and take my turn when the roll is called.

Several MEMBERS. That is right.

The CHAIRMAN. The Chair hears no further objection, and will cause the roll to be called.

MARGARET HYATT.

Mr. AMERMAN called up for consideration the bill (H. R. 4875) granting a pension to Margaret Hyatt.

The bill was read, as follows:

Whereas Margaret Hyatt served as female nurse at Carver United States Hospital, Washington, D. C., from April 5, 1864, to March 1, 1865, as shown by the records of the Surgeon-General's Office; and

Whereas having served in the same capacity at the Navy-Yard Hospital, Annapolis, Md., during 1861 and 1862; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Margaret Hyatt, at the rate of \$30 per month.

The report (by Mr. KRIBBS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4875) granting a pension to Margaret Hyatt, having had the same under consideration, submit the following report:

The claimant was an army nurse during the late war. The records of the War Department show that Margaret Hyatt was attached to Carver General Hospital, Washington, D. C., April 5, 1864, as a nurse, and was discharged March 24, 1865. The claimant in her affidavit sets forth that in addition to the above service she served without pay as a nurse during 1862 and 1863 in the Navy Yard Hospital at Annapolis, and that she is in destitute circumstances and is without means of support other than her own labor and the assistance of friends.

Mrs. Mary A. McKee, of Trenton, N. J., writes as follows:

"Having served as chief of female nurses at Carver General Hospital from October 19, 1863, to June 30, 1865, I bear cheerful testimony to the capacity, ability, and fidelity of Margaret Hyatt."

Mr. J. B. G. Kinsloe, an editor of a paper at Lock Haven, Pa., writes:

"I can bear cheerful testimony to the tender care, aptness, and ability of Margaret Hyatt as a nurse at Carver General Hospital, Washington, D. C., during the illness of my brother (now deceased). I not only heard words of gratitude and blessing from the sick and dying, but witnessed her great concern for patients in her ward."

It has also been stated to your committee, in writing, that the claimant organized a relief corps, with the aid of Washington friends, for the relief and comfort of Confederate prisoners confined in the Old Capitol prison during the war, and out of her own means contributed to their comfort. Among other testimony to her worthiness is an affidavit of James P. Stoughton, who testifies that he has lived near the claimant for seven years, and that to the best of his knowledge and belief she owns no property and is dependent upon friends and her own labor for support.

The committee recommend that all that part of the bill following the title and preceding the enacting clause be stricken out, and that the word "thirty," in line 5, be stricken out, and the word "twelve" inserted in lieu thereof; so that the bill will read, "at the rate of \$12 per month," and that so amended the bill do pass.

The amendments recommended by the committee were adopted.

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

HENRY COZAD.

Mr. BABBITT. Mr. Chairman, I ask unanimous consent for

the present consideration of the bill (S. 3296) for the relief of Henry Cozad.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place upon the rolls of the field and staff of the Eighty-third Illinois Volunteers the name of Henry Cozad, as principal musician, and recognize his service in said organization from the 12th day of August, 1862, when enlisted, to the 10th day of March, 1863, when mustered out and honorably discharged by reason of General Order No. 126, of the War Department, and grant him a discharge to date from the 10th day of March, 1863.

Mr. SIMPSON. I would like to have the report read.

The report (by Mr. WHEELER of Alabama) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 3296) entitled "A bill for the relief of Henry Cozad," have had the same under consideration and report it back favorably, amended so as to read as follows:

"A bill for the relief of Henry Cozad.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized and directed to place upon the rolls of the field and staff of the Eighty-third Illinois Volunteers the name of Henry Cozad as principal musician, and recognize his service in said organization from the 12th day of August, 1862, when enlisted, to the 10th day of March, 1863, when mustered out and honorably discharged by reason of General Order No. 126 of the War Department, and grant him a discharge to date from the 10th day of March, 1863."

The evidence adduced shows that Cozad enlisted at Monmouth, Ill., August 12, 1862, as a musician in Company H, Eighty-third Illinois Volunteer Infantry, but being absent on furlough on the day his company was mustered into service he was sworn in by the colonel of the regiment on the 19th of August with some other comrades, at which time he was promoted to principal musician, commonly called "drum-major," and he served as such until March 10, 1863, when he was discharged because the office he filled was abolished by the War Department. He was not paid for his services because he had not been taken up and borne on the rolls, his captain not placing him on the roll because he was serving as noncommissioned officer of the field and staff and the adjutant neglected to place him on the field and staff roll. His order of discharge by the adjutant was accidentally destroyed by a fire. The records recognize Cozad in an order, issued or applied for, for transportation to procure drums for his corps. Comrades also testify to his service. The bill is amended because the office of "drum-major" was not recognized as his official designation.

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

WILLIAM RUSSELL.

Mr. BARTINE. Mr. Chairman, I ask for the present consideration of the bill (H. R. 3122) to pension William Russell for services in the Oregon Indian wars.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension rolls of the Government the name of William Russell, of Capt. Samuel Gordon's Company H, Oregon Volunteers, and thereafter also in Capt. Edward Sheffield's Company A, of said volunteers, for meritorious service, and for wounds received in August, 1856, by hostile Indians in Oregon, then a Territory, and allow him a pension at the rate of \$25 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3122) granting a pension to William Russell, have considered the same and respectfully report as follows:

The following report from the office of the Third Auditor, United States Treasury, shows the service rendered by the soldier:

"TREASURY DEPARTMENT,
"OFFICE OF THE THIRD AUDITOR,
"Washington, D. C., January 27, 1892.

"SIR: In reply to your letter of the 22d instant, which is herewith returned, you are informed that William Russell served as private in Capt. Samuel Gordon's Company H, Second Regiment Oregon Volunteers, from November 25, 1855, until February 16, 1856, and in Capt. Edward Sheffield's Company A of the same regiment, from February 18 until May 10, 1856.

"Respectfully, yours,

"A. D. SHAW,
"Acting Auditor.

"FRANK P. ELLIOTT, Esq.,

"Clerk Committee on Pensions, House of Representatives."

The claimant states, under oath, that in an engagement with the Indians at Myrtle Creek, Oregon, he received gunshot wounds of the right arm, right breast, and left arm, and that by reason of said wounds he is incapacitated from earning a support three-fourths of his time, and that he is dependent upon his labor for a livelihood. The claimant resides at Rock Point, Jackson County, Oregon. He is identified by the testimony of James Wright and Newton Yokum, citizens of Grants Pass, Oregon, and his statements relative to wounds and dependence are borne out by the testimony of Christopher C. McClendon, who has known him for thirty-seven years.

Your committee regard the bill as a meritorious one, and its passage is recommended, with an amendment fixing the rate of pension at \$12 per month.

The amendment recommended by the committee was agreed to.

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

WILLIAM H. HOLLOWAY.

Mr. BLANCHARD. Mr. Chairman, I ask for the present consideration of the bill (H. R. 9437) for the removal of the charge of desertion against William H. Holloway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against William H. Holloway, late of Company H, First Alabama Volunteers, in the war with Mexico.

Mr. SIMPSON. Let the report be read.

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

The Committee on Military Affairs, to whom was referred the bill (H. R.

9437) for the removal of the charge of desertion against William H. Holloway, have had the same under consideration, and report the said bill back to the House with the recommendation that it do pass.

Mr. Holloway is a veteran of the war with Mexico. He served as a corporal in Company H, First Alabama Infantry Volunteers; was enrolled at Mobile, June 17, 1846, and served faithfully until October 31, 1846. He contracted chronic diarrhea and soon after measles, and on that account was furloughed home. He returned to his home in Pike County, Ala., where he was bedridden by illness for months, and before his recovery his regiment was disbanded and his term of enlistment had expired. Supporting the soldier's application for relief are the following documents, filed herewith as exhibits and made part of this report:

Affidavit of the soldier, dated January 30, 1892, together with testimonial of soldier's credibility, etc., by Rev. J. M. Franklin, of Sabine Parish, La., and John J. Byles, deputy United States surveyor, district of Louisiana; affidavit of Dr. Henry Farrier, the physician who attended the soldier in his illness aforesaid.

The certificate of Hon. N. C. BLANCHARD, M. C., of the district in Louisiana where the soldier now lives, relative to the standing and character of the soldier and his witnesses, Rev. J. M. Franklin and John J. Byles. Letter of Thomas S. Hopkins, attorney for the soldier.

Report by the War Department in the case of William H. Holloway.

Mr. BLANCHARD. Mr. Chairman, I have an amendment which I wish to have adopted.

The amendment was read, as follows:

In line 6, after the word "Mexico," add the words "and issue to him an honorable discharge."

The amendment was agreed to.

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

LUCIUS L. DYER.

Mr. BOWERS. Mr. Chairman, I ask for the present consideration of the bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion against Lucius L. Dyer, late second lieutenant in Company C, Fourteenth Connecticut Volunteers, and issue to him an honorable discharge from the Army of the United States.

The report (by Mr. BOWERS) is as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer, beg leave to submit the following report:

The said Lucius L. Dyer was enrolled August 7, 1862, in Company A, Fourteenth Connecticut Volunteers, to serve three years. He was mustered in as second lieutenant Company C, same regiment, February 4, 1863, and served until June, 1863, when he was taken sick and placed in hospital. From the record furnished the committee by the War Department, it appears that the said officer was in hospital from May 1863, to June, 1863, when he was furloughed for twenty days.

The evidence shows that Lieut. Dyer remained sick and unfit for duty until 1865, the post surgeon at Fort Trumbull, Conn., certifying to the fact that he reported regularly his whereabouts and the physicians forwarded regularly the certificates of his sickness and unfitness for duty.

It appears that the officer had done all in his power to keep himself in standing, but was cited to appear before a military commission in Washington; that he did appear; that all certificates from the post surgeon at Fort Trumbull setting forth the facts in his case were then produced, but that this defense was not considered satisfactory to the board, and that he was dismissed the service to date January 11, 1864, by Special Order No. 66.

The committee believe that the officer was hardly dealt with; that he was unfit for duty during this time; that he complied with the regulations in reporting his case and certificates of his sickness, and that he should be relieved.

The committee therefore recommend that the bill be amended by adding the following words: *Provided*, That no pay, bounty, or emoluments shall become due or payable by reason of the passage of this act; and as so amended that the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. PHEBE SIGLER.

Mr. BOWMAN. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 7729) granting a pension to Mrs. Phebe Sigler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Phebe Sigler, widow of Isaac M. Sigler, late of Company E, First Regiment Indiana Volunteers, old war, at the rate of \$8 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7729) granting a pension to Mrs. Phebe Sigler, have considered the same and respectfully report as follows:

The claimant's late husband, Isaac M. Sigler, was elected first corporal of Capt. Robert's company, First Indiana Volunteers, war with Mexico, in June, 1846.

Said company had been reported to and accepted by the governor for service in said war and were under marching orders to New Albany as the place of rendezvous; before leaving Greencastle, the county seat of Putnam County, Ind., where the soldier resided, the company were engaged in drilling, and while so engaged the soldier was wounded in the left arm by an accidental shot from the gun of a private of said company by the name of Hotsappillar, and the soldier was so much disabled by said wound that the officers refused to take him with them.

At the first session of the Thirty-third Congress Mr. Sigler was, by special act, granted a pension at \$8 per month on account of said wound, and he remained on the pension roll at said rate until he died, on or about April 9, 1888.

The soldier's widow (the claimant) has resided in Pottawattamie County, Iowa, for the past thirty years; she is now over 70 years of age, and has no means of support other than the revenue from a small farm of about 50 acres, which is heavily mortgaged. The facts are reliably shown by the papers filed with the bill.

After due consideration, your committee believe that as an act of justice the soldier's pension should be continued to his widow, and the bill is therefore returned with a favorable recommendation.

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

WILLIAM H. TAYLOR.

Mr. BRETZ. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6024) for the relief of William H. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$24 per month, the name of William H. Taylor, a crippled and dependent son of Uriah Taylor, deceased, late a member of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, during the late civil war, and who died from disease contracted in said war while in line of duty soon after the close of the war in 1865.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6024) for the relief of William H. Taylor, have had the same under consideration, and now submit the following report:

The claimant is a crippled and dependent son of Uriah Taylor, deceased, late of Company A, Forty-ninth Regiment Indiana Volunteers. In regard to the death of the soldier, Joel Vanderveer testifies that he treated Uriah Taylor, and that he died of general debility contracted in the service. He died on October 14, 1868. The mother of claimant also died in 1877. John Knight testifies that he was well acquainted with the soldier from the time he came home from the war until his death, and that at that time he was unable to do manual labor, etc., from cause of general debility. William H. Stroud and Samuel Trusty testified that they were well acquainted with the soldier from the time he came home from the service until he died from disease contracted in said service, and that he was wholly unable to do manual labor during any period of the time between his discharge and death there.

Several other affidavits substantially to the effect that the soldier died from disease or general debility contracted in the service.

It is proved by the affidavits of several persons that the claimant has been a cripple all his life and unable to earn a living by manual labor, and that he was dependent on his father for a living. Two hundred and ninety citizens of Clarke County, Ind., aver the facts above set forth in a petition asking the passage of the bill under consideration.

The committee recommend that the bill be amended, in line 5, by striking out the words "twenty-four" and inserting in lieu thereof the word "twelve," and when so amended we recommend the passage of the bill.

The amendments recommended by the committee were agreed to.

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

JOHN MALLOY.

Mr. BRICKNER. Mr. Speaker, I ask consent for the present consideration of the bill (H. R. 8906) to increase the pension of John Malloy.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Malloy, late a seaman on the sloop of war Preble, in the war with Mexico, from \$8 to \$20 per month.

Mr. BAILEY. I ask for the reading of the report.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8907) granting an increase of pension to John Malloy, have considered the same, and beg leave to submit the following report:

Amend by inserting the word "fifteen" in the place of "twenty" in line 6 of the bill.

John Malloy was an ordinary seaman on the sloop of war Preble, United States Navy, enlisting about August 15, 1846, and served until January 19, 1850, when he was discharged. He is now 71 years old, and in needy circumstances, and his disabilities are increased by reason of his advanced age, so that he is practically helpless. He is the sole surviving member of the crew of the Preble, which vessel forced Japan to open her ports to the commerce of the United States in 1840.

The bill as amended gives him \$15 a month in lieu of the small pension he is now receiving. The sum is little enough to supply him in his age, poverty, and helplessness with the most ordinary comforts. The physician's affidavit submitted to this committee shows that Malloy is in an almost helpless condition, his hands being partially paralyzed and drawn out of shape. The Hon. G. H. BRICKNER testifies to his personal knowledge of the disability of Malloy, and in view of the facts as above set forth the committee do not think it excessive liberality to concede him this sum during the remainder of his life.

The amendment recommended by the committee was reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ROCKWELL. Why should the amendment be adopted if the man is in that condition? Why should he not have \$20 a month for the few years he will last?

The amendment reported by the committee was agreed to.

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

THOMAS T. PRATHER.

Mr. BRODERICK. Mr. Chairman, I call up the bill (H. R. 6233) granting a pension to Thomas T. Prather.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas T. Prather, late a private of Company F, Second Regiment Kansas Volunteer Militia, who while in the line of duty was wounded, on or about the 22d day of October, 1864, and while acting

under the authority of the officers of the United States, at the rate of \$25 per month.

The report (by Mr. PEARSON) is as follows:

Your committee have considered the bill (H. R. 6233) granting a pension to Thomas T. Prather for wounds received in line of duty while serving in the Kansas militia, and submit the following report:

It is shown by the records of the adjutant-general's office, State of Kansas, that Thomas T. Prather served in Company F, Second Kansas Militia, from July 10, 1864; ordered into active service of the United States by proclamation of Governor Carney, October 8, 1864, upon request of Maj. Gen. S. R. Curtis, commanding the department; that he was wounded and taken prisoner at the battle of Big Blue, Missouri, on October 22, 1864.

A. J. Huntton, of Topeka, Kans., testifies in an affidavit executed January 18, 1876, that he was captain Company A, Second Kansas Militia, and that Thomas T. Prather was wounded in the shoulder by a revolver ball at the battle of Big Blue, October 22, 1864, and that he was then and there taken prisoner, as was also the affiant. That affiant saw the said Prather on the evening of that day and saw the ball removed by the surgeon of the rebel army.

The petitioner was examined March 21, 1876, by an examining surgeon of the Pension Bureau, who described his wound as follows:

"Gunshot entering on outside of right arm a little above the middle, passing upwards, and coming out just in front of the head of the humerus, causing weakness, lameness, and pain."

In view of the fact that the petitioner was practically, if not technically in the service of the United States, and was actually wounded in action by the enemy, your committee recommend that the bill do pass, after being amended by striking out all of the bill after the word "militia" in line 7 and substituting therefor the words "and pay him a pension proportionate to the degree of his disability from gunshot wound of the right arm and shoulder."

The amendments recommended by the committee were agreed to.

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

AMBROSE B. CARLTON.

Mr. BROOKSHIRE. Mr. Chairman, I call up the bill (S. 1878) to increase the pension of Ambrose B. Carlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ambrose B. Carlton, late a corporal in Company F, Second Regiment of Indiana Volunteers in the Mexican war, and pay him a pension of \$50 per month, in lieu of the pension of \$30 per month he is now receiving.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1878) granting an increase of pension to Ambrose B. Carlton, have considered the same and report:

Said bill is accompanied by Senate Report No. 186, this session, and the same, setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[Senate Report No. 186, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1878) granting an increase of pension to Ambrose B. Carlton, have examined the same and report:

The said Carlton was a corporal in Company F in the Second Regiment of Indiana Volunteer Infantry, in the war with Mexico. He participated in the battle of Buena Vista, from the beginning to the end of the fight, and slept, on the night after the close of the engagement, in the pass of Angostura, on the line of the American advance toward the City of Mexico.

The petitioner is now drawing a pension of \$30 per month, which was allowed him under a special act of Congress, approved February 28, 1891. Since the passage of the act, which was procured by reason of the partial blindness with which he was at that time afflicted, his right eye has become totally blind, and the other eye has gradually deteriorated so that he is unable to read or write or to pursue his business vocation, or even to recognize his friends when he meets them.

This statement by the petitioner as to the condition of his eyes is fully verified by the affidavit of the Hon. D. W. VOORHEES, Senator from Indiana, which is filed herein, and also the sworn certificate of Dr. Swan M. Burnett, a skilled oculist, who states in his certificate of December 25, 1891, that "the vision of the petitioner is gradually and steadily deteriorating until now the vision in the right eye is entirely gone, and in the left eye it is barely sufficient to enable him to get around. The disease is chronic glaucoma in both eyes. The history of such cases is, unfortunately, that they grow worse and worse. In a short time, I think, the petitioner will not be able to go out at all unattended."

The petitioner is far advanced in years and, as appears from the proof, has no property, having spent his earnings in rearing and educating a large family, nearly all of whom, with his wife, are still dependent upon him for support. This case approaches very nearly, as far as the petitioner is concerned, the condition of total disability, and as there are many precedents for the allowance of increased pensions in such cases, we are of the opinion that the relief provided for in the bill is just and necessary.

Your committee therefore recommend its passage.

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

THOMAS COOPER.

Mr. BROWN. Mr. Chairman, I ask for the present consideration of the bill (S. 323) granting a pension to Thomas Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Cooper,

Mr. BAILEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 323) granting a pension to Thomas Cooper, having had the same under consideration, submit the following report:

All the facts in this case are embraced in the Senate report, which is as follows:

"It appears from the evidence that in May, 1861, Thomas Cooper was a

messenger in the office of the Supervising Architect of the Treasury. The superintendent at the time was Gen. William B. Franklin, of Hartford, Conn., from whose statement the facts of this case are derived.

"On the 14th of May, 1861, Gen. Franklin was appointed colonel of the Twelfth United States Infantry, and in July went on the Bull Run campaign. Before going into the field he saw Cooper, the messenger aforesaid, and the said Cooper agreed to accompany him as a servant, and agreed to enlist as a soldier. Gen. Franklin states that Cooper went with him upon said campaign with the intention of enlisting; that he would not have taken him with him had he not consented to enlist, and that the enlistment would have been an accomplished fact had the general carried with him enlistment papers.

"Gen. Franklin and said Cooper were both in the battle of Bull Run. Cooper was captured on the field and was retained as a prisoner of war by the enemy until July, 1862, when he was exchanged as a prisoner of war, having been in prison for one year, when he returned to Washington.

"The claimant is now an old man 73 years old, in failing health, and with no means of living, with a family to support.

"Your committee is of opinion that though this man was never enlisted, yet by his capture, imprisonment, and exchange he really performed military service in the war of the rebellion.

The committee recommend that the bill be amended as follows: Strike out the letter "s" in the word "laws," and insert after the word "law" as amended the words "of June 27, 1890;" so that it will read "subject to the provisions and limitations of the pension law of June 27, 1890," and when so amended recommend the passage of the bill.

The amendments recommended by the committee were agreed to.

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

ESTHER J. BOONE.

Mr. BRYAN. Mr. Chairman, I call up for consideration the bill (S. 1033) granting a pension to Mrs. Esther J. Boone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Esther J. Boone, of Lincoln, Nebr., who, by exposure and overexertion, lost her hearing while serving as a hospital nurse and sanitary agent from 1862 till the close of the war of the rebellion, and pay her a pension at the rate of \$12 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions have considered the bill (S. 1033) passed by the Senate April 21, 1892, granting a pension to Mrs. Esther J. Boone, an army nurse, and submit the following report, which is in the main identical with the Senate report:

The records of the War Department show that claimant was a nurse in the general hospital at Keokuk, Iowa, from June 13, 1862, to December 31, 1864. Under date of July 9, 1887, M. K. Taylor, surgeon, United States Army, retired, certifies that Mrs. E. J. Boone was regularly appointed a matron or nurse in the general hospital at Keokuk, Iowa, under the charge of affiant; that her length of service and the capacity in which she served can be ascertained by the pay rolls of the medical purveyor then stationed at St. Louis, who paid the civilian employees of the hospital.

In certificate filed August 2, 1887, J. D. Miller, late assistant surgeon of the Eleventh Regiment Iowa Volunteer Infantry, certifies that claimant was engaged as a hospital nurse from March 1, 1862, till the hospitals were broken up in 1865; that to the knowledge of affiant the said claimant was actively engaged all the time in caring for the sick and wounded and forwarding supplies.

In affidavit filed August 2, 1887, H. T. Cleaver, late assistant surgeon United States Army, certifies that claimant served in the capacity of matron in the Estes House, or Fifth Street Hospital, at Keokuk, Iowa, in the employ of the United States, from the spring of 1862 till the close of the said hospital in July, 1865, during which time affiant was acting assistant surgeon in charge of the hospital.

Pension is claimed on account of deafness contracted while employed as hospital nurse at Keokuk, Iowa, in the service of the United States during the war of the rebellion.

In affidavit filed January 18, 1889, Dr. W. F. Peck, of Davenport, Iowa, testifies that he is well acquainted with claimant, who was formerly a nurse in the Iowa Soldiers' Orphans' Home, at Davenport, Iowa, and that she was compelled to give up her position in said home on account of imperfect hearing caused by inflammation of the throat, contracted while a nurse in hospitals during the war of the rebellion.

In a certificate filed January 18, 1889, Dr. H. B. Lowry, president of the board of United States examining surgeons at Lincoln, Nebr., states that claimant is totally deaf in her left ear and almost totally deaf in her right ear; that she can not hear a watch in contact with either ear.

The evidence shows that claimant rendered valuable service to the Government as a hospital nurse during the war of the rebellion, and that she contracted deafness incident to said service. It is also shown that she is incapacitated for certain kinds of employment by reason of the said deafness.

It is also shown that this petitioner is without means and that she is a dependent on relatives for support.

Your committee recommend that the bill do pass.

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

JOHN A. DEAN.

Mr. BULLOCK. Mr. Chairman, I call up for consideration the bill (S. 2606) granting a pension to John A. Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Dean, a private in Capt. Ledwith's company, Florida Mounted Militia, of the Seminole Indian wars of Florida, during the years A. D. 1839 and 1840, and in the later Indian wars in that State.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2606) granting a pension to John A. Dean, have considered the same, and report:

The facts being fully stated in Senate Report No. 509, which accompanies the bill, your committee adopt the same as their report and return the bill with a favorable recommendation.

[Senate Report No. 509, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2606) granting a pension to John A. Dean, of Island Grove, Fla., have examined the same, and report:

The said John A. Dean enlisted as a private in Capt. Ledwith's company of Florida Mounted Volunteers, engaged in the service of the United States in the war against the hostile Indians of Florida in 1840 and 1841. The evidence shows that he enlisted on the 21st of August, 1840, and that he served until the 23d of March, 1841, at which time he was honorably discharged from said service.

The claimant filed application for a pension on account of rheumatism and deafness incurred while in the service on account of exposure therein in the Pension Bureau, but the same was rejected on account of failure of proof of incurrence of the injury while in the military service, and there is no general provision of law under which he might be granted relief on account of military service alone. We think, however, that the volunteers who rendered service in the Florida Indian wars ought to be recognized by the Government in the same way as those who served in the war with Mexico or in the late war.

This claimant was in active service seven months, was honorably discharged, and he is now 76 years old, in very needy circumstances, suffering both from rheumatism and deafness, almost wholly disabled from performing any kind of labor.

Your committee think the claim in the case is just and meritorious, and therefore recommend the passage of the bill.

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

DELZELL R. BRADFORD.

Mr. BURROWS. Mr. Chairman, I call up for present consideration the bill (H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Delzell R. Bradford, late a private in the Twenty-fourth Regiment of Michigan Volunteers.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6737) granting a pension to Delzell R. Bradford, have had the same under consideration, and submit the following report:

As shown by the records of the Adjutant-General's Office, the soldier enlisted March 27, 1865, as a private, unassigned, in the Twenty-fourth Regiment Michigan Volunteers, and was honorably discharged June 21, 1865. He filed application for pension September 3, 1890, under the act of June 27, 1890, alleging piles and general debility. The claim was rejected August 6, 1891, on the ground that the claimant was not in the United States service ninety days, therefore not entitled to pension under the provisions of said act.

The claimant alleges that the records of the Adjutant-General's Office are in error in giving the date of his enlistment as March 27, 1865, and that the date should be corrected to read March 17, 1865. In proof thereof he files a certificate from the adjutant-general of Michigan, as follows:

"MILITARY DEPARTMENT MICHIGAN,

"ADJUTANT-GENERAL'S OFFICE,

"Lansing, October 30, 1891.

"I certify that it appears from official records on file in this office that private Delzell R. Bradford, company unassigned, Twenty-fourth Regiment Michigan Infantry, enlisted on the 17th day of March, 1865, at Grand Rapids, Mich., and was duly mustered into the service of the United States for the term of one year. Mustered out at Detroit, June 21, 1865.

"J. S. FARRAR,

"Adjutant-General of Michigan.

"G. W. ROBERTSON,

"Assistant Adjutant-General."

In an affidavit dated November 25, 1891, the claimant testifies that he enlisted on the 17th day of March, 1865, and knows this because he remembers that it was on St. Patrick's day that he enlisted at Grand Rapids, Mich. On the next day, the 18th day of March, he went to Jackson, Mich.; from there was sent to Camp Butler, near Springfield, Ill., where he was taken sick with typhoid pneumonia, and was given a sick leave. When he got able he was discharged at Detroit, June 21, 1865.

Charles Hotchkiss testifies as follows:

"I was well and personally acquainted with Delzell R. Bradford prior to his enlistment into the Army. I remember very distinctly the fact of said Bradford's enlistment into the Army. I also remember very well that on St. Patrick's day, March 17, 1865, he was, with myself and other friends, here in the city (Grand Rapids) and at that time he had on the uniform of a soldier. He then informed me that he had enlisted into the United States Army, and I have every reason to believe that his claims were true from the fact that he had on the uniform. I know that that was on March 17, 1865, because of its being St. Patrick's day. I subsequently learned that he had been assigned to the Twenty-fourth Regiment Infantry."

George M. Buck, circuit judge, Kalamazoo, Mich., says, after examining the evidence:

"It seems to me that the proof is ample to show that the record at Washington is wrong, and the record at Lansing is right, inasmuch as the two would seem to be of equal force and value, and the proof outside these records sustains the one at Lansing and contradicts the one at Washington."

Owing to the itinerant life he has lived since he was discharged, he admits that it is impossible for him to prove by comrades and physicians incurrence of disabilities in the service and continuation of the same to the present time.

George S. Wood and Nellie B. Wood testify that they are well acquainted with the claimant, that he is in poor health, and that he is suffering with lung and heart trouble and rheumatism and piles. They know him to be unable to perform manual labor, and that he is destitute of means, and is dependent on others who are not legally bound for his support.

George W. Hamilton and E. V. Hamilton testify that they are well acquainted with the claimant and know that he is in destitute circumstances, and is now dependent upon the charity of others not bound for his support; that he is unable to do any kind of manual labor whatever.

Cyrus Bussey, Assistant Secretary of the Interior, in affirming the decision of rejection of the claim, says:

"This Department is governed by the records of the War Department, and the claim can not be admitted unless the records of said Department can be amended to correspond with the date claimed by claimant as the true date of his enlistment."

The inability of the claimant to earn his living by manual labor by reason of physical disabilities having been fully and satisfactorily proved, the only question to be determined by the committee is as to the date of the soldier's enlistment.

After amending the bill in line 5 by striking out of the word "laws" the letter "s," and inserting thereafter the words "of June 27, 1890," your committee recommend the passage of the bill.

The amendments recommended by the committee were agreed to.

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

ORIN R. M'DANIEL.

Mr. BUSEY. Mr. Chairman, I desire to call up the bill (S. 111) for the relief of Orin R. McDaniel.

The CHAIRMAN. The bill is not on the Calendar.

Mr. BUSEY. It is a bill (S. 111) for the relief of Orin R. McDaniel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Orin R. McDaniel, late an enrolled soldier of Company H, Sixty-fourth Regiment Illinois Volunteers, upon the records of said company as enrolled December 26, 1863, and discharged February 14, 1864, for disability, and grant him an honorable discharge accordingly, as of date February 14, 1864, for disability.

Mr. HULL. Let the report be read.

The Senate report was read, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 111) for the relief of Orin R. McDaniel, has duly considered the same and submit the following report:

In the Fifty-first Congress, first session, a precisely similar bill (S. 1518) was favorably reported by your committee by Senate Report 554, and passed by the Senate, but no final or adverse action had in the House.

For the facts and records in this case reference is made to said report, which has been reexamined and found correct, and therefore this bill is reported back to the Senate and its passage recommended.

Mr. HULL. That is the Senate report.

The CHAIRMAN. Has the gentleman from Illinois the House report on this bill?

Mr. BUSEY. I have not got the House report.

The CHAIRMAN. The Chair is unable to hear the gentleman.

Mr. HULL. Let the House report be read.

Mr. BUSEY. Let the Clerk read the other report, as that will explain the situation.

Mr. HAYES of Iowa. The House report is adverse.

Mr. BUSEY. The House committee made a report without investigation, I am satisfied. It does not cost the Government anything. This is simply a tribute to a worthy soldier. He is already on the pension roll by act of Congress of February 29, 1885, and this simply puts him on the rolls, where he deserves to be, as anyone can see by reading the report.

Mr. EVERETT. Mr. Chairman, I would like to ask the gentleman a question for information.

Mr. BUSEY. Certainly.

Mr. EVERETT. If this man is already on the pension roll, what do you seek to do by this bill?

Mr. BUSEY. To correct his record. He was in the service two years, got an honorable discharge, reenlisted, and went into camp and served seven weeks there. Before the United States mustering officer got there he was sent back for some recruits, and while there he took sick, and was in bed for two years. The physician who waited upon him gave an affidavit that he was not able to go back to get mustered in. He is an elegant gentleman and deserves all that the Government can give him.

Mr. EVERETT. Mr. Chairman, I just simply wish to ask this further question: Why is it that the Committee on Invalid Pensions refused to favorably report this case?

Mr. MARTIN. We could not report the case because it was not before our committee.

Mr. BUTLER. Mr. Chairman, the Committee on Invalid Pensions never had that case before it. It was reported by the Committee on Military Affairs.

Mr. EVERETT. I merely asked for information.

Mr. BUSEY. The Committee on Military Affairs did not understand the case.

Mr. HULL. Mr. Chairman, I do not propose to make any speech against the bill, but it ought to be amended by placing the usual amendment on it. I want to say for the benefit of the House that the Committee on Military Affairs did report adversely on this bill.

The CHAIRMAN. What amendment does the gentleman propose?

Mr. HULL. I move to amend by adding to the bill:

Provided, That no pay or emolument shall become due by virtue of this act.

The CHAIRMAN. The Clerk will report the amendment, The Clerk read as follows:

Provided that no pay or emolument shall become due by virtue of this act.

The CHAIRMAN. The question is on the amendment.

Mr. BUSEY. That will deprive this man of the pay for the forty-nine days he served at the camp. If the gentleman wants to take the pay for forty-nine days' service from a poor soldier, let him have his amendment passed.

The question was taken, and the amendment was rejected.

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

THOMAS F. SHELDON.

Mr. BUTLER. Mr. Chairman, I call up for consideration the bill (H. R. 4496) to place upon the pension rolls of the United States the name of Thomas F. Sheldon, late captain Company A, One hundred and twenty-fifth New York Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls of the United States, subject to the provisions and limitations of law, the name of Thomas F. Sheldon, late captain Company A, One hundred and twenty-fifth New York Infantry.

Mr. SIMPSON. Let the report be read, Mr. Chairman.

Mr. BUTLER. Mr. Chairman, the report is quite a long one, and would take at least ten minutes to read, but I can explain the bill in a few moments. This case, which was reported unanimously by the Committee on Invalid Pensions, and all of them will remember the circumstances of it and will agree with me that it is meritorious. [Cries of "Louder."] The soldier, who was a captain in the Army for two years, is now totally blind.

Mr. MALLORY. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MALLORY. I simply rose for the purpose of saying that we can not hear what the gentleman says.

The CHAIRMAN. The point of order is well taken.

Mr. BUTLER. I will make the gentleman hear. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The committee will be in order. No business can be transacted until order is restored.

Mr. BUTLER. I would much prefer that gentlemen would vote, but the reading of the report was called for, and I was about to make a statement, thinking it would take less time. However, if members are willing to vote without it, that suits me better.

Mr. KILGORE. Let us have the report read, or let us have a speech. [Laughter.]

Mr. CARUTH. Will the gentleman from Iowa permit a question?

Mr. BUTLER. Certainly.

Mr. CARUTH. Would you rather have your bill passed without making a speech, or make a speech and have the bill defeated? [Laughter.]

Mr. BUTLER. Mr. Chairman, the question of the gentleman from Kentucky is not in point. I am forced to say something on this case, because the report or a statement has been called for. I would prefer to have the bill voted on now, but gentlemen seem to object to that.

Mr. KILGORE. I must insist, Mr. Chairman, that the House shall be enlightened as to this bill, either by the reading of the report or by a statement.

Mr. BUTLER. This soldier was a captain in the Army for two years and is now receiving a pension of \$10 a month for a gunshot wound in the forearm. He is totally blind and the evidence shows that this condition results directly from sickness contracted in the Army. The decision of the Pension Bureau was that there was hardly sufficient proof to trace the disability to the service, but the evidence presented to the committee was so conclusive on that point that they unanimously reported this bill.

The man is totally blind as the result of his army service, and the amendment proposed provides that the pension shall be that which is allowed in such cases.

The amendment recommended by the committee was adopted.

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

BERTHA TEST.

Mr. BYNUM (when his name was called). Mr. Speaker, I call up the bill (S. 2105) granting a pension to Bertha Test.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha Test, widow of Charles S. Test, deceased, late lieutenant in the One hundred and sixteenth Regiment Indiana Volunteer Infantry, in the war of 1861, and to pay her a pension of \$16 per month, in lieu of any pension to which she may be entitled under existing laws.

Mr. KILGORE. Let the report be read.

Mr. BYNUM. I think I can make a brief statement which will cover the case.

Mr. KILGORE. That will do as well.

Mr. BYNUM. This is the widow of a soldier, and under the law she is entitled to \$8 a month, but by reason of the condition of her sight the committee recommend allowing her this increase.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2105) granting a pension to Mrs. Bertha Test, submit the following report: The facts in this case are embraced in the Senate report, which is as follows:

"The claimant is the widow of Charles S. Test, deceased, to whom she was married on the 12th day of October, 1869. The husband was a soldier in Company E, Thirty-third Regiment of Indiana Volunteer Infantry, in the war of 1861. He enlisted in September, 1861, as a private, was promoted to be sergeant of the company, and afterwards sergeant-major of the regiment, and subsequently to be adjutant with the rank of lieutenant of the One hundred and sixteenth Regiment Indiana Volunteer Infantry. He served in the latter capacity until February 24, 1864, when he was discharged by reason of disability occasioned by a wound received in battle. The wound never healed, but remained an open, virulent running sore until the day of his death, which occurred on the 11th day of December, 1887.

"The soldier was confined to his room and his bed for more than two years after his discharge, for two years longer he got about on crutches, but the wound still disabled him and interfered with his labor and efforts to support himself and family. He was a pensioner at the time of his death at the rate of \$24 per month. He left no estate of any value. He left a son who is now 14 years old, and the widow, this petitioner, but their means of support are very slender. The widow assisted her husband in his lifetime in supporting the family; his pension money was all exhausted by payment of physicians' bills and other expenses. Since his death she has supported herself and her son by teaching music, but lately her eyes have become so much affected that physicians have advised her that she must desist from this occupation, and must not further use her eyes in reading notes and figures, or other fine work, or she will lose her sight entirely.

"This petitioner has an application pending under the general law, under which she will be granted a pension of \$8 per month, but we think under the circumstances of this case, the meritorious conduct of the petitioner in the care of her husband while he lived, the rearing and maintenance of her son since his father's death, and her present embarrassed circumstances, that she is entitled to some allowance more than that under the general act."

The committee therefore submit a favorable report and recommend the passage of the bill.

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

SUSAN T. SALISBURY.

Mr. CADMUS (when his name was called). Mr. Chairman, I call up the bill (H. R. 2034) for the relief of Susan T. Salisbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to place upon the pension rolls of the Pension Bureau the name of Susan T. Salisbury, at the rate of \$12 per month, for her services as hospital nurse at Lovell General Hospital, Portsmouth Grove, R. I., in 1862 and 1863, under authority from Surg. Gen. Hammond, United States Army.

The report (by Mr. McKINNEY) is as follows:

Your committee have considered the bill (H. R. 2034) granting a pension to Susan T. Salisbury, an army nurse, and report as follows:

It is shown by the records of the War Department that "Susan Salisbury," nurse, served in a general hospital at Portsmouth Grove, R. I., from September 30, 1862, to June 9, 1863.

Katharine P. Wornley and Sarah C. Dennis Taylor testify, under oath, to the faithfulness and efficiency of her services, from personal knowledge gained from being present with her in the hospital.

Rebecca M. Frothingham and Charles E. Barney, of New Bedford, Mass., testify that Susan T. Salisbury is 70 years of age, in feeble health, and, having nothing she can call her own, is now receiving help from the "Aged Women's Society," being unable to provide for herself by her own exertions.

Your committee recommend the passage of the bill after being amended by striking out the word "twenty," in line 5, and inserting in lieu thereof the word "twelve."

The amendment recommended in the last paragraph of the report was agreed to.

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

CHARLES H. BEHLE.

Mr. CALDWELL (when his name was called). Mr. Chairman, I call up the bill (H. R. 6554) to remove the charge of desertion against Charles H. Behle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War of the United States be, and he is hereby, directed to remove the charge of desertion against Charles H. Behle, a former musician of Company K, One hundred and eighth Ohio Volunteers, and issue to him an honorable discharge from the Army of the United States.

The report (by Mr. BOWERS) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6554) to remove the charge of desertion against Charles H. Behle, have had the same under consideration and submit the following report:

From the evidence furnished by the War Department it appears that the said Charles H. Behle was a mere boy when he enlisted—14 years of age; was at that time 4 feet and 8 inches in height. The affidavits of his comrades show that owing to his tender age he had not strength to carry a gun, and was not required to. It is also shown that he was present when his company was mustered out.

The military record, which is made a part of this report, shows very clearly that this bill should pass. Your committee therefore recommend that it do pass.

Case of Charles H. Behle, late a musician of Company K, One hundred and eighth Ohio Volunteers.

RECORD AND PENSION DIVISION, March 30, 1892.

The records show that Charles Behle was enrolled and mustered into service January 15, 1864, as a musician in Company K, One hundred and eighth

Ohio Volunteers, to serve for three years. The rolls show that he served faithfully to August 21, 1864, the roll for July and August, 1864, reporting him absent without leave from that date.

He is reported on the roll for November and December, 1864, "deserted, August 2, 1864, at Chattanooga, Tenn.," and his name is dropped from the subsequent bimonthly rolls of the company. The company muster-out roll, dated July 22, 1864, reports him "deserted at Chattanooga, Tenn., August 2, 1864." There is no record that he was ever discharged or mustered out of service, or that he returned from desertion.

The following is a synopsis of the testimony that has been presented in the case:

The soldier testified, August 11, 1883, that he served in Company K, One hundred and eighth Ohio Volunteers, from his enlistment until the company was mustered out; that he was present at Camp Dennison, Ohio, at the discharge of the company, but the captain reported him a deserter and refused to give him a discharge; and that he was not a deserter and always performed the duty required of him.

He again testified, September 1, 1883, that he was unable to obtain the evidence of any of his officers, and that he was mustered out of service with a detachment at Louisville, Ky.

In an affidavit dated February 19, 1884, he declared that he was under 14 years of age at the time of his enlistment and was taken as a drummer boy, although knowing nothing of drumming; that the recruiting officer was aware of this, and he (affiant) enlisted with the understanding that he should receive the necessary instructions, but they were never given him; that he was not strong enough, nor was he ever required, to carry a gun or do the ordinary duty of a soldier; that he was never furnished with a drum nor required to do any of the duties of a drummer, being always permitted by his officers to go where he pleased, and never being expected to be at roll call, and was laughed at by the company whenever he was present, in fact was left to shift for himself; that he was always ready to do his duty, but was wholly neglected by his officers because of his tender age and inability to do a soldier's duty; that he "remained with the company in that kind of a boyish, dazed way until it was mustered out," that he was present at all the engagements of the Atlanta campaign and did everything he was told to do, but for some reason he was not mustered out of service, although six other boys of about his own age who enlisted at the same time he did—no better, no worse—were honorably discharged. (The records show that Behle's age at enlistment was 16 years, and his height 4 feet 8 inches.)

In a sworn statement made December 31, 1884, he declared that he served faithfully until about July 21, 1864, when he was left at Chattanooga because there was no need of his services as a musician and because of his youth, he not being physically able to carry a musket, and it being "just before the surrender of Atlanta," and that he rejoined the company at Louisville, Ky., about July 20, 1865, and remained until its final discharge at Camp Denison, Ohio.

He again testified, August 13, 1887, that he was only 14 years of age when he enlisted, and owing to his youth and inexperience and the promptings of others he left the regiment at Chattanooga and returned home to Cincinnati; and that he afterwards rejoined his company and was with it when it was mustered out of service, but was not discharged.

William Schneider, late of Company H, John Lahman, late of Company C, and A. F. Dickman, late of Company —, One hundred and eighth Regiment Ohio Volunteers, testified, August —, 1883, that Behle was present at the time his company was mustered out of service, and so far as they knew was never a deserter. (These affiants were mustered out with their respective companies on July 22, 1865, at Louisville, Ky.)

John G. Pfeiffer, late quartermaster sergeant and first lieutenant One hundred and eighth Regiment Ohio Volunteers, stated in 1884 that Behle and six or seven other boys were enlisted in his regiment in the spring of 1864 as recruits and were shamefully neglected by their officers; that they were all honorably discharged except Behle, and that this came to his (Pfeiffer's) notice recently and astonished him. Pfeiffer further stated that he served with the regiment from the start until it was mustered out and knew the soldier well during his service. (Pfeiffer's name does not appear as a commissioned officer of the One hundred and eighth Ohio Volunteers.)

John G. Pfeiffer in another statement made under oath April 3, 1884, declared that he was quartermaster sergeant of the One hundred and eighth Regiment Ohio Volunteers; that about February, 1864, Behle, then a mere boy, came to the regiment as a recruit; that said Behle had been enlisted as a drummer, but never received any instructions, and was never required to perform any duty as a musician, being permitted "to run loose," never answering at the roll call and seeming to be without any official control. The affiant stated that he took an interest in him and saw that he had something to eat and an occasional change of clothing, as the officers of his company took no interest in him.

The affiant further stated that he remembered that Behle was with the regiment up to about September or October, 1864, after which he had no recollection of seeing him in the regiment, although he thought he was there; that said Behle was a mere boy and was so considered by all the officers and men and was not required to perform duty either with the company or with the drum corps; that it was affiant's opinion that the soldier was enlisted to fill up the company and after the officers got their commissions was neglected by them and allowed to run wild, "the officers having no duty he could do or that they could require him to do;" that Behle, owing to his tender age, had not strength to carry a gun. The affiant also stated that he did not think that the soldier left the regiment without authority, and that he knew he (Behle) had no intention to desert. (This affiant served in the One hundred and eighth Ohio Volunteers from August 8, 1862, to June 2, 1865, when he was mustered out of service as first sergeant of Company G. He was regimental quartermaster sergeant from April 16, 1863, to August 27, 1864.)

Applications for removal of the charge of desertion and for an honorable discharge in this case have repeatedly been denied since 1883, it being held by the Department on May 17, 1890, date of the last denial, that the charge of desertion was properly made, and that existing law afforded no relief inasmuch as the soldier deserted prior to May 1, 1865, and was not prevented from completing his term of enlistment by disability incurred in the line of duty.

Since that date the status of the case has not been changed, either by the introduction of new testimony or by legislation.

Respectfully submitted.

F. C. AINSWORTH,

Major and Surgeon, United States Army.

The SECRETARY OF WAR.

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

MARY HOLLIS.

Mr. CAMINETTI (when his name was called). Mr. Chairman, I call up the bill (H. R. 7375) granting a pension to Mary Hollis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, required to place on the pension roll the name of Mary Hollis, and pay her a pension of \$25 a month for her services rendered the United States as hospital matron during the years 1845 and 1847, in the war with Mexico.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7375) granting a pension to Mary Hollis, have considered the same and beg leave to submit the following report:

The claimant, Mary Hollis, states under oath that she has been a resident of Mount Pleasant, Henry County, Iowa, for thirty-five years; that she was a regularly enrolled hospital matron with Gen. Worth's brigade in the war with Mexico; served in capacity of matron for more than two years; that she repeatedly signed the hospital pay rolls at Saltillo, Monterey, and Vera Cruz; that her age is 69 years.

William H. Hollis, a reputable citizen of Henry County, Iowa, states, under oath, that he was a member of the artillery battalion attached to Gen. Worth's brigade in the war with Mexico from 1845 to 1847; that he knew Mary Hollis to be a regularly enrolled hospital matron and that she served in said capacity for more than two years; that he saw her at different times sign the pay rolls of the hospitals.

It is also shown by the sworn statements of James A. Throop and John F. Lynch, citizens of Henry County, Iowa, who have known the claimant for thirty and forty years, respectively, that she is a truthful and respectable person; that she is quite aged, has no income, and depends upon the very little work she can accomplish for her support.

Hon. JOHN J. SEERLEY states that he is personally acquainted with the claimant, who is above reproach and worthy of belief.

The records of the War Department have been searched without finding her name on the roll of nurses in the Mexican war, but your committee, in the light of the testimony set forth above, believe that the alleged service was rendered, and are of the opinion that she should be accorded the same recognition as has been granted by special act to the surviving nurses of the war of the rebellion.

The passage of the bill is therefore recommended, with an amendment fixing the rate of pension at \$12 per month.

The amendment recommended in the last paragraph of the report was agreed to.

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

SAMUEL S. ANDERSON.

Mr. CARUTH (when his name was called). Mr. Chairman, I call up the bill (H. R. 7099) granting an increase of pension to Samuel S. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the limitations and restrictions of the pension law, the name of Samuel S. Anderson, of Louisville, Ky., a soldier in the war with Mexico, and pay him at the rate of \$50 a month, in lieu of the amount he is now receiving.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7099) granting an increase of pension to Samuel S. Anderson, have considered the same and report:

The claimant was a first lieutenant in Capt. Luther's company of the Second United States Artillery in the war with Mexico. He was graduated from the United States Military Academy and appointed brevet second lieutenant Second Artillery July 1, 1841; promoted second lieutenant January 4, 1845; first lieutenant March 3, 1847, and captain March 8, 1855. He resigned, to take effect April 27, 1861.

The records further show that he served in Mexico during the entire war with that country, and he is now in receipt of the pension of \$8 per month provided by law for such service.

In his petition for an increase of his pension the claimant states that he was brevetted captain and major, respectively, for gallant and meritorious conduct in the battles of Molina del Rey and Chapultepec, and that while so serving he contracted hernia from which he has suffered ever since; he further states he is now 73 years old, penniless, and dependent upon charity for support.

Hons. Walter Evans, S. B. Buckner, J. Proctor Knott, and several other distinguished citizens of Kentucky join the claimant in petitioning Congress to grant an increase of the pension. The gentlemen signing the petition state that they know the claimant well, and sincerely hope his prayer will be granted.

Dr. D. W. Vandell, of Louisville, Ky., certifies to the long-continued suffering of the claimant from an incurable rupture, and also to his penniless and helpless condition.

Your committee recommend that the bill be amended by striking out the word "fifty," in line 7, and inserting in lieu thereof the word "twenty-five," and that as so amended the bill do pass.

The amendment recommended in the last paragraph of the bill was adopted.

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

LOUIS G. SANDERSON.

Mr. CATE. I call up the bill (H. R. 8230) for the relief of Louis G. Sanderson, of Craighead County, Ark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Louis G. Sanderson, of Craighead County, Ark., late a private in Capt. John Critz's company, in Col. Norwood's regiment of Alabama Volunteers, Cherokee removal, and that he be allowed a pension at the rate of \$12 per month from and after the passage of this act.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8230) granting a pension to Louis G. Sanderson, have considered the same and report:

The records of the War Department show that the claimant was enrolled June 7, 1838, in Capt. Critz's company or Norwood's battalion, Alabama militia, in the Florida war, and was mustered out with the company, as a private, July 17, 1838.

The facts relative to the merits of the case are shown by the following statement by the gentleman who introduced the bill in the House.

"WASHINGTON, D. C., July 20, 1892.

"I am acquainted with Louis G. Sanderson, of Craighead County, Ark.; have been for many years. He is about 73 years old and incapacitated to support himself by manual labor, as I believe. He has paralysis of the throat or other disease of such character that he can not make himself understood except with difficulty. He is a poor man, having little or no property that I know of.

"Some years ago he had a small tract of land of little value, about \$400, which he undertook to convey to one of his children to support him and his aged wife, as they were practically helpless; but, as I remember, the project was a failure, either from the unwillingness or inability of the son to support his own family and his parents on the land; and there was a litigation about the land, and now I believe the old man is living with a married daughter and is, excepting some claim or interest in the land spoken of, entirely without means and dependent on his children for care and support.

"The above facts I state from my own personal knowledge and belief.

"W. H. CATE."

In view of the foregoing your committee think the bill a deserving one, and its passage is therefore respectfully recommended, with an amendment fixing the rate of pension at \$12 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY ELEANOR WHITE.

Mr. COBB of Alabama. At the request of my colleague [Mr. OATES] I call up the bill (H. R. 8780) to restore to the pension roll the name of Mary Eleanor White, widow of the late Capt. George W. Hazzard, captain Company C, United States Artillery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary Eleanor White, former widow of Capt. George W. Hazzard, Company C, Fourth United States Artillery, and pay her a pension, subject to the provisions and limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred House bill 8780, beg leave to make the following report:

Mrs. Mary E. White drew a pension of \$20 per month under certificate 3598 of Pension Office as widow of Capt. George W. Hazzard, from August 14, 1862, until October 7, 1874, the date of her second marriage.

On January 12, 1884, she became a widow the second time, and now asks that she be restored to the pension roll at \$20 per month.

Mrs. White has no means of support save her own labor. She is advanced in age, physically infirm, and has an invalid daughter entirely dependent upon her for a support. For these reasons your committee recommend that the bill do pass, amended, however, by adding at the close of the bill the words "from and after the passage of this act."

Amend the title also, so as to read "A bill to restore to the pension roll Mary Eleanor White, as former widow of Capt. George W. Hazzard."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

LILLIE RIES.

Mr. COBB of Missouri. I call up the bill (H. R. 7036) granting a pension to Lillie Ries, late a nurse at Jefferson Barracks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillie Ries, late a nurse in the military hospital at Jefferson Barracks during the late rebellion, at the rate of \$12 per month.

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

The Committee on Invalid Pensions having considered the bill (H. R. 7036) granting a pension to Lillie Ries, a hospital nurse, submit the following report:

The records of the War Department show that "Mrs. Reise" was on duty as a nurse in General Hospital, Jefferson Barracks, Missouri, from June 13, 1862, to June 27, 1862, and that "Lilly Reis" was on duty at that hospital from about July 4, 1863, until June 24, 1864.

The petitioner alleges that she is 78 years of years, feeble, in ill health, and unable to support herself; that she has no means or income, and is dependent on public charity, being an inmate of the Home of the Friendless, St. Louis, Mo. She files letters from Surg. W. W. Fish, Post Chaplain John F. Fish, and John F. Randolph, surgeon, United States Army, written as early as 1866, and testifying to her efficient services as a hospital nurse.

A letter is on file from Mr. James E. Yeatman, vice-president of the Merchants' National Bank, St. Louis, Mo., who states that Mrs. Ries is an inmate of the Home for the Friendless, which is of itself the evidence of her poverty; he adds:

"I saw Mr. Copp, secretary of the Home of the Friendless, and he assures me that none are admitted who have property of any kind. I knew Mrs. Ries during the war and employed her as a hospital nurse at \$12 a month. She was a very excellent little German woman. For a time she was matron of the working girls' home."

Hon. S. W. COBB, Representative from Missouri, certifies that Mr. Yeatman and Mr. Copp are prominent citizens, at the head of all charitable work, and entirely credible.

Your committee return the bill with the recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

HARVEY LYON.

Mr. COOLIDGE. I desire to call up the bill (H. R. 8925) to increase the pension of Harvey Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of Harvey Lyon, a veteran of the Mexican war, wounded in the storming of Chapultepec, and who served as cap-

tain of Company B, Tenth Michigan Infantry, in the civil war, from \$4 to \$29 per month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8925) granting an increase of pension to Harvey Lyon have considered the same and report:

The claimant was a sergeant in Company H, Fifteenth United States Infantry, and served from March 23, 1847, to April 3, 1848, in the war with Mexico. He states under oath that he is 70 years old, unable to work, and without income aside from his pension of \$8 per month, which was allowed him under the Mexican war service-pension act of January 29, 1887. He can make this small pension answer for the necessities of life only by living with his children in the winter.

The claimant's statements are corroborated by the affidavits of John Larkin and John Haley, citizens of Midland County, Mich.

Your committee recommend the passage of the bill with an amendment fixing the rate of pension at \$15 per month.

Also amend by striking out the word "four," in line 7, and inserting in lieu thereof the word "eight."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

IDA CASSELL.

Mr. COOPER. I desire to call up the bill (H. R. 2901) to pension Ida Cassell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Ida Cassell, imbecile daughter of Appollas Cassell, late a private in Company G, Eighteenth Regiment Indiana Volunteer Infantry, and pay to her legally constituted guardian a pension at the rate of \$18 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2901) granting a pension to Ida Cassell, submit the following report:

The claimant is the imbecile daughter of Appollas Cassell, who enlisted as a private in Company G, Eighteenth Regiment Indiana Volunteer Infantry, on the 16th day of August, 1861, and was honorably discharged for protracted illness and absence July 23, 1862, and died from the effects of disease contracted in the service December 16, 1862. His claim for pension was filed by him prior to his death.

The widow applied for and was granted a pension, and she and the soldier's children (one of whom was the claimant) were granted pensions until they arrived at the age of 16. The widow died May 7, 1885, and the claimant is now more than 16 years of age. She is entirely helpless, feeble of mind, and speechless since her birth, and is without any means of support.

Dr. W. L. Starr, in an affidavit filed with the Commissioner of Pensions, testifies as follows:

"I have been a regular practicing physician for ten years. I am acquainted with Ida Cassell. I saw her professionally on the 8th day of December, 1890. She is about 30 years of age, and has evidently been of unsound mind since birth. Her general health was fair; poorly developed physically and mentally incapable of caring for herself. She requires the constant attention of some one to minister to her wants."

Your committee think that this applicant deserves to be treated as one always and ever to be an infant, and that the bill should be amended accordingly, so as to strike out the word "eighteen" in line 8, and inserting in lieu thereof the word "fourteen," so as to make the rate \$14 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY L. BACON.

Mr. COVERT. I call up the bill (H. R. 8054) to increase the pension of Mary L. Bacon, widow of the late George W. Bacon, late lieutenant-commander of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act there be allowed and paid to Mary L. Bacon, widow of the late George W. Bacon, lieutenant-commander, United States Navy, a pension at the rate of \$40 per month during her widowhood, in place of \$25 per month which she is now receiving under pension certificate No. 6317.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8054) increasing the pension of Mary L. Bacon, have considered the same and report:

Mrs. Bacon is the widow of the late Lieut. Commander George W. Bacon, of the United States Navy, who passed through all the grades from midshipman, to which he was appointed October 10, 1850, to lieutenant-commander, the rank held by him at the time of his honorable resignation from the Navy on June 6, 1855.

During the above period this officer rendered gallant and arduous service to his country, including active duty during the war of the rebellion. He died April 1, 1890, of malarial poisoning, which had its origin during his said service, and his widow was allowed a pension at \$25 per month under the general pension laws.

Gen. N. M. CURTIS, a member of the House, states that he knows the claimant personally, and that she is of delicate constitution, without property or means of support aside from her said pension, and is dependent upon whatever employment she can secure of a nature suited to her bodily strength and lot in life.

Gen. CURTIS further states that the bill is in all respects an exceptionally meritorious one, and that an increase of her pension is an absolute necessity to the claimant's comfortable support.

In view of the valuable service rendered by Mrs. Bacon's husband, and in the light of her dependence and necessities, your committee feel constrained to recommend the passage of the bill with an amendment fixing the rate of pension at \$30 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

DAVID SANSFIELD.

Mr. CRAWFORD. I desire to call up the bill (H. R. 2478) for the relief of David Sansfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing upon the records of the War Department against the name of David Sansfield, late private in Company F, Eighth Regiment United States Infantry, recruited for the war with Mexico, and grant him an honorable discharge, with all the rights and benefits he would have been entitled to if the charge of desertion had not been entered against his name.

The bill was laid aside to be reported favorably to the House.

W. W. HARLEE.

Mr. CUMMINGS. I call up the bill (S. 2638) granting a pension to W. W. Harlee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. W. Harlee, of South Carolina, for services in the Florida (Indian) war.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2638) granting a pension to W. W. Harlee, have examined the same and report:

It appears from the evidence that the claimant is a resident of the city of Florence, in the county of Florence and State of South Carolina; that he served in the Florida war against the Indians as a major of infantry, commanding five companies of infantry of the South Carolina battalion in the military service of the United States, under a requisition of Secretary of War of the United States, upon his excellency, P. M. Butler, the governor of the State of South Carolina, for volunteer troops in said service. Said service commenced in February, 1837; that said service continued three months—first, under the command and orders of Lieut. Col. Crane, at Black Creek, then at Lake Monroe, on the St. John River, in Florida, under the command of Lieut. Col. William S. Harney, under whose command the claimant served until ordered to St. Augustine, Fla., where he, with those under his command, were mustered out of the service some time in May, 1837.

The claimant is now 79 years old; he is not a pensioner, and has made no application to the Bureau of Pensions, as there is no general law authorizing pensions in such cases. There are, however, many precedents in the action of this committee for the favorable consideration of such claims. This officer served faithfully ninety days in a campaign of great hardship and exposure against the hostile Indians.

We put these claims, in justice, on a par with those of soldiers in the war of 1812, where only fourteen days' service is required. The object of the bill is to place the petitioner on the pension roll.

We think that he is justly entitled to that relief. We therefore recommend the passage of the bill.

The Committee on Pensions, to whom was referred the above bill, adopt the foregoing Senate report as their report and return the bill recommending its passage.

Mr. KILGORE. I understand that this bill proposes to pension a soldier who served in the Indian war—probably from 1836 to 1842. Now, Congress has recently passed a general law covering all meritorious cases of this kind and granting a pension of \$8 a month.

Mr. DAVIS. Has that bill passed the Senate?

Mr. KILGORE. Yes, sir.

Mr. TILLMAN. Has that bill been ratified by the President?

Mr. KILGORE. No, sir; but I think he will "ratify" it. [Laughter.]

Mr. TILLMAN. Your "think!" On this bill we do not want to "think;" we want to act. This is the case of a very old man who is very poor.

Mr. KILGORE. But I take it that if the President would "ratify" this bill he will "ratify" the general bill.

Mr. TILLMAN. I would rather take two chances than one any time.

Mr. KILGORE. How much does this bill carry?

Mr. TILLMAN. It simply puts this man on the pension roll under the general law; and even if the general bill should be ratified this dispenses with the proof which would be required under that; and as this has passed the Senate and been reported favorably in this House, I think it well enough, while we are pushing other bills through, that this should go through along with the rest.

These pensions will never stop until the Treasury is bankrupt or until we have hunted up new sources of taxation. [Laughter.]

The bill was laid aside to be reported favorably to the House.

IDA A. TAYLOR.

Mr. CURTIS. I call up the bill (H. R. 9011) to grant a pension to Ida A. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida A. Taylor, invalid daughter of Chester Taylor, late a private of Company G, Eighty-third Regiment New York Volunteers, and pay her a pension at the rate of \$12 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9011) granting a pension to Ida A. Taylor, submit the following report:

The petitioner is the daughter of Chester Taylor, who enlisted in Company G, Eighty-third New York Volunteers, July 14, 1863, and died in service and line of duty June 1, 1864. His widow was pensioned until November 7, 1866, when she married Marvin D. Smith. The daughter Ida was pensioned from that date to July 12, 1875, when she became 16 years of age. She is now nearly 33 years of age, having been born July 13, 1856.

The petitioner is now a confirmed invalid and has been for many years. Elbert A. Wood, of Winthrop, N. Y., testifies that the petitioner has been

for about fifteen years confined to a dark room, not able to help herself from chair to bed, or sit at table for meals because of a spinal disease, pronounced by the physicians incurable; her mind is not greatly impaired, but she is extremely delicate and sensitive.

Caroline C. Church, of Winthrop, N. Y., testifies that the petitioner has been since she was 16 years of age not able to help herself from chair to bed, or sit at table for meals because of spinal disease, pronounced incurable, resulting in total disability, not able to bear light, and that her stepfather has cared for her as best he could from his limited income.

It is also shown that the stepfather's income from all sources except his manual labor does not exceed \$100 per year.

Your committee recommend that the bill be amended by striking out the word "invalid," in line 6, and inserting in lieu thereof the words "permanently helpless," and that as so amended the bill do pass.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported favorably to the House.

MARGARET BYRON.

Mr. DANIELL. I desire to call up the bill (H. R. 2427) granting a pension to Margaret Byron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Margaret Byron, who was formerly a pensioner as the widow of Patrick Lynch, a private in Company K, Forty-third Regiment New York Infantry Volunteers, and to pay her a pension at the rate of \$12 a month, her second husband, William Byron, having died in 1881.

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

The Committee on Invalid Pensions have considered the bill (H. R. 2427) granting a pension to Margaret Byron, and submit the following report:

The petitioner was formerly the widow of Patrick Lynch, who enlisted August 29, 1862, in Company K, Forty-third New York Infantry, and died in Andersonville prison, August 28, 1864; the widow was pensioned from the date of his death to September 28, 1873, when she married William Byron; pension was then paid to the soldier's children until March 2, 1878, when the youngest became 16 years of age, since which time no pension has been paid.

Thomas Corbett and Michael Lucas, of West Troy, N. Y., testify that the petitioner's husband, William Byron, died March 6, 1831; that the widow is past 60 years of age, is in very poor health, has no income from any source, is unable to earn a living because of age and ill health, and depends for support on others not legally bound to support her.

Your committee recommend the passage of this bill.

The petitioner's address is West Troy, N. Y.

The bill was laid aside to be reported favorably to the House.

JONAS DEYO.

Mr. DAVIS. I call up the bill (S. 2321) granting an increase of pension to Jonas Deyo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas Deyo, late of Company G, One hundred and thirteenth Ohio Volunteer Infantry, at the rate of \$30 a month, in lieu of the pension he is now receiving.

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

The Committee on Invalid Pensions have considered the bill (S. 2321) to increase the pension of Jonas Deyo to \$30 per month, which passed the Senate June 2, 1892, and submit the following report:

The following facts are stated in the Senate report and confirmed by the records of the Pension Bureau:

"Jonas Deyo enlisted as a private in Company G, One hundred and thirteenth Ohio Volunteer Infantry, on the 12th day of September, 1862, and was discharged June 30, 1865. He is now receiving a pension of \$10 per month for chronic diarrhea and resulting disease of rectum. The soldier is now suffering from paralysis to such an extent as to be wholly unable at times to walk, and at no time is he able to go about except by aid of crutches. This paralysis, the soldier alleges, is due to a shell wound of the back received by him in the line of duty about May 3, 1863, which wound injured his spine, breaking the ribs loose from the backbone, and that locomotor ataxia has resulted from the wound in the back.

"At the time the soldier received injury of the back he was, he says, with seven other soldiers, working in the fort at Franklin, Tenn., strengthening the breastworks. Of the eight, four were killed outright and the three others were subsequently killed, leaving no one surviving who witnessed the injury; hence it is impossible for the soldier to prove by any eyewitness the incurrence of the disability. The report of the Adjutant-General's Office shows that claimant was in the hospital at Nashville, Tenn., in May and June, 1863. Claimant's present physical condition as above stated is clearly shown by the testimony of physicians now on file in the Pension Office. The soldier is in destitute circumstances, a wife dependent upon him for support, and the two dependent upon charity for the necessities of life required beyond that which their meager pension supplies."

The paralysis first seems to have become noticeable early in 1887; the petitioner in February, 1887, made application for pension on account of disease of the spine as a result of chronic diarrhea, for which he was already pensioned; in June, 1887, he alleged that this trouble, paralysis or locomotor ataxia, was a result of shell wound of back as above set forth, and again since that date he has alleged it as a result of diarrhea. These allegations, while inconsistent, are not unnatural in view of the obscurity of the origin of paralysis in general.

The claim was rejected in 1888 on account of the claimant's inability to prove the disability from shell wound and paralysis originated in the service, and in 1891 on the ground that the paralysis was not accepted as a result of diarrhea.

It is true that it is not clearly shown, and in the nature of things probably can not be shown, just what was the first cause of paralysis, yet in view of the probability that it was in this instance the result of the shell wound or of the diarrhea, or of both, in the absence of any other known cause, your committee return the bill with the recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

WIDOW OF JAMES R. DYALL.

Mr. DE ARMOND. I call up for consideration the bill (H. R. 9220) granting a pension to ———, widow of James R. Dyall, veteran of the Florida war, 1836.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. ———, widow of James R. Dyall, late private Capt. Martin's company, First Regiment, in the Florida war of 1836, at \$20 per month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9220) granting a pension to the widow of James R. Dyall, have considered the same and report:

The records of the War Department show that the soldier was enrolled January 27, 1837, as "Russell" Dyall, in Capt. Martin's company, First Florida Militia, Florida war, and that he was mustered out June 5, 1837.

The claimant, Mrs. Caroline Hardee Dyall, swears that she is 69 years old, very feeble, and without any means of support. Her statements are fully corroborated by the testimony of D. A. Nichols, W. T. Berry, C. Jennings, and from other citizens of Ozark, Franklin County, Ark.

The identity of the claimant's husband, James R. Dyall, with the "Russell" Dyall, who rendered the service, is fully shown by the testimony of Robert J. Smith and Julia O. Smith, citizens of the above-named place.

The committee recommend the adoption of the following amendments: Strike out "twenty" where it occurs in the bill and insert "twelve," and amend the title so as to read: "A bill granting a pension to Mrs. Caroline Hardee Dyall, widow of James R. Dyall, veteran of the Florida war, 1836."

The amendments recommended by the committee were adopted.

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

FRANCES P. GARDNER.

Mr. DE FOREST. I call up the bill (H. R. 3713) for increase of pension to Frances P. Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to increase the pension, subject to the provisions and limitations of the pension laws, of Frances P. Gardner, widow of Capt. George W. Gardner, late of the United States Army, and pay her a pension of \$50 per month in lieu of the pension she is now receiving.

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

The Committee on Pensions, to whom was referred the bill (H. R. 3713) granting an increase of pension to Frances P. Gardner, have considered the same and report:

The following is a statement of the service of the claimant's deceased husband:

"Capt. George W. Gardner was graduated from West Point in 1814, his name heading the class in Cullum's Register.

"He served in the war of 1812-15 with Great Britain.

"Was commandant of cadets and instructor of infantry tactics and of artillery at West Point.

"In 1828 was brevetted for faithful service. He had a fine military record, and was considered a superior and accomplished officer.

"He was killed in the Florida war of 1835, being engaged in Dade's desperate battle with the Seminole Indians.

"The officers of the detachment (commanded by the gallant Maj. Dade), who marched from Tampa Bay to the relief of Fort King, had reason to believe that the command could not reach the fort alive, and that an Indian massacre was before them, yet with unflinching devotion to duty and with a steady heroism unsurpassed in our annals, they marched bravely on, and against hopeless odds fought till all save three were slain."

The following petitions accompany the bill:

"To the honorable the Senate and House of Representatives of the United States:

"I most respectfully petition for relief.

"I am the widow of Capt. George W. Gardner, of the United States Army, who was killed in the Dade massacre in the Florida war with the Seminole Indians in 1835.

"I am now nearly 80 years of age, in broken health, and with many infirmities, and am unable to provide myself with the necessary comforts of life upon the pension of \$25 per month now allowed me.

"In 1853, through the kind efforts of the representatives of my native State of Connecticut, a special act giving me this pension for life was passed without an adverse vote in either House of the then existing Congress. But for many years widows of officers who held the same rank as Capt. Gardner have received and are now receiving an increase of pension.

"In failing health and with at most but a few years of life before me, I can not long be a recipient of your bounty, and in view of all the circumstances I most respectfully ask that this increase of pension (with the arrears) may now be added to my pension.

"My father, Lieut. A. C. Fowler, of the regular Army, who served in the war of 1812, died in the service, and I supported my mother, Mrs. Fowler, through her widowhood.

"I wish also to state that a bill passed through Congress giving to Mrs. Fowler a pension for life (with the arrears), but before it was confirmed her sudden decease prevented its benefits accruing to her or her heirs.

"My only brother, Maj. Fowler, served through the Mexican war and was three times promoted for gallant conduct; and my brother-in-law, Col. A. C. W. Fanning, died in the service of his country.

"Less than three years ago my only son, Col. Gardner, who served in the war of the rebellion, died suddenly, thus leaving me without a living child or protector, and with no relative able to help or care for me.

"As the daughter, sister, and mother of soldiers who have served their country well, and as the widow of a brave officer whose life was needlessly sacrificed, I trust my case to the justice and liberality of your honorable body and beg that you will grant me the relief so greatly needed.

"FRANCES P. GARDNER.

"NEW HAVEN, CONN., January, 1892.

"To the Senate and House of Representatives of the United States:

"The undersigned citizens of New Haven, Conn., respectfully recommend to your early and favorable consideration, the foregoing petition from Mrs. Frances P. Gardner, who has long been a respected resident of our city.

"Charles R. Ingersoll, ex-governor of Connecticut; Timothy Dwight, president of Yale University; E. J. Phelps, ex-United States minister to England; George P. Fisher, professor in Yale University; George J. Brush, di-

rector of Sheffield Scientific School; Lwys B. Morris, elected governor but not acknowledged by House of Representatives; Colin M. Ingersoll, ex-member United States Congress; A. Heaton Robertson, judge of probate; N. D. Sperry, United States postmaster, New Haven; L. E. Munson, ex-United States judge, district of Montana; Edwin Harwood, rector of Trinity Church, New Haven; H. B. Harrison, ex-governor of Connecticut; S. E. Merwin, late Republican candidate for governor; Daniel O. Eaton, professor in Yale University; Charles A. White, attorney and counselor at law."

The gentleman who introduced the bill in the House appeared before your committee and stated that Mrs. Gardiner is entirely without any means of support aside from her pension, and her needs are extraordinary in that she requires the constant care and attention of others.

Your committee regard the case as an exceptional one, and in the light of the fact that the claimant's husband died in battle while rendering his country arduous and valuable service, and in view of her helpless and dependent condition, the passage of the bill is recommended, with an amendment fixing the rate of pension at \$40 per month.

An amendment changing the spelling of the claimant's surname to Gardner is also recommended.

The amendment recommended by the committee was adopted.

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

SARAH L. VAN EST.

Mr. DIXON. I call up the bill (H. R. 4804) to place the name of Sarah L. Van Est on the pension list.

The bill was read, as follows:

Be it enacted, etc., That the name of Sarah L. Van Est be, and the same is hereby, placed on the pension list as the widow of the late Frank Van Est, late of Company A, Ninth Michigan Cavalry, at \$12 per month.

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

SAMUEL LUTTRELL.

Mr. DOCKERY. I call up the bill (H. R. 2407) granting a pension to Samuel Luttrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of an act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887, the name of Samuel Luttrell, late a member of Doniphan's expedition into Mexico, and to pay him a pension from and after the passage of this act.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2407) granting a pension to Samuel Luttrell, respectfully report as follows:

Samuel Luttrell was a teamster in the service of the United States, and accompanied Doniphan's expedition to Mexico in 1847. When the said expedition reached Rio Grande the military forces thereof were greatly outnumbered by the forces of the enemy in their immediate front. The said Samuel Luttrell, together with a number of others likewise engaged as teamsters, were organized into a military company, were armed and equipped, and served regularly as soldiers after the said expedition crossed the Rio Grande.

Samuel Luttrell participated as a soldier, and was actually engaged at the battle of Sacramento, and continued to act as a soldier until the close of the war. Said Luttrell was never mustered into the service of the United States as a soldier, but was borne upon the pay rolls of the Army as a soldier and paid as such, and after the close of the war he was recognized by the Government as a soldier by having a land warrant issued to him.

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

MARY DANAHAY.

Mr. DOLLIVER. I call up the bill (H. R. 8409) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private Company H, Eighteenth New York Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls the name of Mary Danahay, mother of Daniel Danahay, late a private of Company H, Eighteenth Regiment New York Cavalry, and pay her a pension, subject to the provisions and limitations of the pension laws.

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

The Committee on Invalid Pensions have considered the bill (H. R. 8409) granting a pension to Mary Danahay, and submit the following report:

The records of the War Department show that Daniel Danahay served in Company E, Thirty-fifth New York Volunteers, from June 30, 1861, to June 5, 1863; again enlisted August 10, 1863, in Company H, Eighteenth New York Cavalry, and was killed in action May 17, 1864. He left a widow, Margaret (Cronin), to whom he was married July 7, 1863. She applied for pension, which was granted February 10, 1865, at \$8 per month.

On March 26, 1866, this petitioner filed a claim as mother of this soldier, alleging that he contributed to her support; that he left no child surviving, and that his widow, Margaret, had remarried, November 7, 1865. The mother's claim was rejected on the ground that the soldier left a widow surviving him. The mother is now about 80 years of age and is a widow, her husband having died at the age of 81 years.

There are on file seven letters written by the soldier in 1861 and 1862 from the Army to his parents, in which he mentions sending them money aggregating \$135.

In an affidavit executed January 28, 1869, Richard Wall testified that he knew Mary Danahay and her son, Daniel Danahay, deceased, of Company H, Eighteenth New York Cavalry; and that he knew the soldier's handwriting and that the letters above referred to are genuine, and that he believes she was dependent on the son for support.

J. B. Ainsworth in 1869 testified that the petitioner's husband was taxed for property valued at only \$100, and that so far as he knew he had no other taxable property.

Dr. W. J. Bulger, of Oswego, N. Y., testifies that the petitioner is now about 80 years of age, feeble and diseased, possessed of no property whatever and dependent on the charity of others for support.

Your committee recommend the passage of the bill.

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

DRUKE NETTIE BARNETT.

Mr. DUNGAN. I call up the bill (H. R. 6914) granting a pension to Druke Nettie Barnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Druke Nettie Barnett, daughter of Edward Barnett, late a member of Company B, Thirty-first Regiment Illinois Volunteers, and pay her a pension of \$18 per month.

The report (by Mr. SNOW) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 6914) granting a pension to Druke Nettie Barnett, and submit the following report:

Edmund Barnett served in Company B, Thirty-first Illinois Infantry, from August 20, 1861, to July 19, 1865; he was pensioned on account of diarrhea and dropsy, and died October 20, 1887, after which a pension of \$12, plus \$2, was allowed to his child Druke, his death being accepted as due to his service, and this pension was paid to her until October 29, 1888, when she became 16 years of age.

This daughter applied for a continuance of the pension, alleging that she is blind, unable to earn a living, and has no one to depend on legally bound to support her. This claim was rejected on the ground that she was over 16 years of age at the passage of the act of June 27, 1890. All these facts appear from papers on file in the Pension Bureau.

John A. Palmer and Calvin H. Palmer testify that they know the petitioner, Druke Nettie Barnett, and that she is the daughter of the soldier, and that she has no means of support except what her friends and neighbors give her.

Dr. W. J. J. Paris, of Elizabethtown, Ill., testifies that the petitioner is almost totally blind, being just able to distinguish between daylight and dark, and that this disability is hopelessly permanent and progressive, and that she will finally become entirely blind.

Your committee return the bill with the recommendation that it do pass after being amended by striking out all of the bill after the word "Volunteers," in lines 7 and 8.

The amendment recommended by the committee was adopted.

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

JESSE CLEAVELAND.

Mr. DURBOROW. I call up the bill (H. R. 2193) granting a pension to Jesse Cleaveland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Jesse Cleaveland, who was a soldier in the Black Hawk war, and pay him a pension at the rate of \$12 per month.

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

ALONZO D. BARBER.

Mr. ENOCHS. I call up the bill (H. R. 7257) granting an increase of pension to Alonzo D. Barber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension, subject to the provisions and limitations of the pension laws, of Alonzo D. Barber, late a private in Company I of the Fifty-fifth Regiment Ohio Infantry Volunteers, to \$72 per month.

The committee recommend the adoption of the following amendment: Strike out "seventy-two" and insert "thirty;" so it will read \$30 per month.

The amendment of the committee was agreed to.

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

ABRAHAM B. SIMMONS

Mr. EVERETT. I call up the bill (H. R. 8275) granting a pension to Abraham B. Simmons, of Capt. Thomas Frapp's company, in Col. Brisbane's regiment, South Carolina Volunteers, in the Florida Indian war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$20 per month, subject to the limitations and provisions of the pension laws, the name of Abraham B. Simmons, who was a member of Capt. Thomas Frapp's company in Col. Brisbane's regiment of South Carolina Volunteers, in the Florida Indian war, in the year 1836.

Amend the title so as to read: "A bill granting a pension to Abraham B. Simmons of Capt. Thomas Frapp's company in Col. Brisbane's regiment, South Carolina Volunteers, in the Florida Indian war."

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8275) granting a pension to Abraham B. Simmons, have considered the same, and report:

The records of the War Department show that the claimant was enrolled February 23, 1836, as a private in Capt. Frapp's company, First Regiment South Carolina Militia, Florida war, and that he was mustered out with the company May 10, 1836.

The following statement by the gentleman who introduced the bill in the House shows the facts relative to the physical and financial condition of the applicant:

"HOUSE OF REPRESENTATIVES,
Washington, D. C., May 9, 1892.

"Sir: I am personally acquainted with Abraham B. Simmons, whose claim for a pension is pending before your committee, and I know him to be very old, about 80 years, and in absolute destitution; is blind, and depends upon the charity of his neighbors for support. He can not live many years at best, and the granting him a pension at an early day will give relief to a very old man whose condition of destitution is no fault of his by reason of dissipation or other pernicious practices, but the result of misfortune and

disappointments in legitimate business. I have known Mr. Simmons thirty years, a part of which period he was in comfortable circumstances.

"Respectfully submitted."

"Hon. R. P. C. WILSON,
Chairman Committee on Pensions."

In the light of the foregoing your committee regard the bill as a meritorious one, and its passage is therefore recommended with an amendment changing the spelling of the name of the captain of claimant's company to "Tripp."

The amendment recommended by the committee was agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB HALL.

Mr. FITHIAN. I call up the bill (H. R. 4366) granting a pension to Jacob Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jacob Hall, of Fairfield, Ill., late of Capt. B. G. Wells's company, third Regiment, First Brigade, Illinois Mounted Infantry Volunteers, Black Hawk war, 1832, at the rate of \$12 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4366) granting a pension to Jacob Hall, have considered the same and report:

The following report of the War Department shows the claimant's service:

"WAR DEPARTMENT,
Washington City, April 2, 1892.

"SIR: In reply to your communication of the 31st ultimo, received to-day, in which you request to be furnished with the military history of Jacob Hall, late of Capt. B. G. Wells's company, Third Illinois Mounted Infantry, Black Hawk war, I am directed by the Secretary of War to inform you that the official records show that Jacob Hall was enrolled June 16, 1832, for ninety days, as a private in Capt. B. G. Wells's company of the Third Regiment, First Brigade, Illinois Mounted Volunteers, Black Hawk war, and that he was mustered out with the company August 15, 1832, with remark: 'Furloughed August 9.'

"Very respectfully,

"F. C. AINSWORTH,
Major and Surgeon, United States Army.

"Hon. ROBERT P. C. WILSON,
Chairman Committee on Pensions, House of Representatives."

The testimony accompanying the bill shows that the claimant is 78 years old, in very bad health, without means, and in destitute circumstances. He is also shown to be in every respect a worthy and honorable man. The passage of the bill is respectfully recommended.

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

GEORGE W. BOYD.

Mr. FORMAN. I call up the bill (H. R. 8221) granting a pension to George W. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of George W. Boyd, a son of Robert W. Boyd, late a member of Company H, Fourteenth Regiment of Illinois Volunteer Cavalry, and pay him a pension of \$18 per month.

The report (by Mr. SNOW) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 8221) granting a pension to George W. Boyd, dependent and helpless son of Robert W. Boyd, and submit the following report:

The records of the War Department show that Robert W. Boyd served in Company H, Fourteenth Illinois Cavalry, from November 15, 1862, to July 31, 1865; pension was allowed him at \$24 per month on account of chronic bronchitis and resulting disease of heart. He died October 25, 1889.

His son, George W. Boyd, filed a claim for pension, alleging that he is permanently helpless on account of rheumatism; that he can not walk, and that his legs are drawn out of shape and he has no use of his arms and legs. This claim can not be allowed by the Pension Bureau for the reason that the claimant was over 16 years of age at the passage of the act of June 27, 1890.

Charles Melvin and J. B. Dagley, of White County, Ill., testify that the petitioner is the only surviving son of the soldier; that he is in a helpless condition and wholly unable to feed himself; that he has been afflicted with rheumatism from earliest childhood, is wholly unable to earn a livelihood, and is wholly dependent upon others for food and raiment, and that he is now about 23 years of age.

The evidence in the Pension Bureau shows that the soldier left no widow surviving him.

In view of the fact that the petitioner is permanently helpless, your committee recommend that the bill do pass, after being amended as follows:

In line 5, after the name "George W. Boyd," strike out "a" and insert in lieu thereof the words "permanently helpless."

In line 4, after the word "roll," to insert the words "subject to the limitations and provisions of the pension laws."

In line 7, after the word "pension," strike out the remaining words of the bill and insert in lieu thereof the words "at the rate to which he would be entitled if he were still a minor."

The amendments recommended by the committee were agreed to.

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

MRS. E. M. BANISTER.

Mr. GOODNIGHT. I call up the bill (H. R. 5509) to place the name of Mrs. E. M. Banister, an army nurse, on the pension rolls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Mrs. E. M. Banister, formerly Mrs. E. M.

Salander, upon the pension rolls, at a pension not to exceed \$12 per month, as a nurse during the late rebellion.

The report (by Mr. SNOW) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5509) granting a pension to Elizabeth M. Banister, submit the following report:

The evidence shows that Mrs. Elizabeth M. Banister is the person who, by the name of Elizabeth M. Salander, was engaged and served as an army nurse, in actual care of the sick and wounded soldiers, at Jeffersonville Hospital, Jeffersonville, Ind. She was duly appointed and commissioned by R. H. Gilbert, medical director, on the 27th day of May, 1864, and served faithfully and satisfactorily, as is shown by the certificate of discharge given to her by M. Goldsmith, surgeon in charge, and C. Annette Buckel, superintendent of women nurses, dated at the said hospital on the 15th day of May, 1865.

The evidence further shows that the claimant is now, and for a long time has been, a widow; is about 72 years of age, and has no property; is unable to do any kind of labor because of the loss of her eyesight; that she is wholly dependent for support on a daughter who earns a living by sewing.

Your committee recommends that the bill be amended by striking out the words "a pension not to exceed," in lines 5 and 6, and that as so amended the bill do pass.

The amendment of the committee was agreed to.

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

HARRIET WOODBURY.

Mr. GROUT. Mr. Chairman, I call up the bill (H. R. 1283) to pension Harriet Woodbury, of Windsor, Vt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and regulations of the general pension laws, the name of Harriet Woodbury, late widow of Aaron G. Firman, of Company I, Seventh Regiment Vermont Volunteers.

The report (by Mr. CURTIS) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1283) granting a pension to Harriet Woodbury and submit the following report: The petitioner was formerly the widow of Aaron G. Firman, who served in Company I, Seventh Vermont Volunteers, from November 23, 1863, until his death in the service October 2, 1864; the widow was pensioned from the death of the soldier to July 14, 1866, when she again married; pension was then paid to a minor child of soldier until October 29, 1880, when he became 16 years of age, since which date no pension has been paid. These facts are shown by the records of the Pension Bureau.

The petitioner, Harriet Woodbury, of Windsor, Vt., testifies that after her marriage to Samuel H. Woodbury she was compelled to go out to labor to support herself and invalid husband, and that he lingered along until July 26, 1866, when he died of cancer; that since his death she is left without any means and is now obliged to earn her subsistence by laboring at 25 cents per day, and that such remuneration is all the income she has.

Samuel H. R. Emery, of Bartonville, Vt., corroborates the above and testifies that the petitioner's husband, Woodbury, while apparently healthy when she married him, was afterward afflicted with cancer, and that the petitioner had to labor for their support; that Mr. Woodbury died in 1866, leaving his widow without means, and that she now labors for her daily bread, and hardly earns enough for a support.

Your committee return the bill with the recommendation that it do pass, after being amended by striking out the word "regulations," in line 5, and inserting in lieu thereof the word "limitations."

The amendments recommended by the committee were agreed to.

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

GEORGE M. HENRY.

Mr. HALL. Mr. Chairman, I ask for the consideration of the bill (H. R. 1422) for the relief of George M. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of George M. Henry, late of Company M, Fifth United States Cavalry, charged with desertion from said service, and to amend the military record of said soldier so charged as a deserter, and to pay him all such pay, bounty, and allowances as may be due him, without reference to the charge of desertion.

The report (by Mr. BOWERS) is as follows:

The Committee on Military Affairs have considered the bill (H. R. 1422) for the relief of George M. Henry, and submit the following report:

George M. Henry enlisted in Company L, Second Ohio Cavalry, on September 1, 1861, at Cleveland, Ohio, for three years, and reenlisted for his unexpired term on February 6, 1863, in Troop M, Fifth United States Cavalry, and reenlisted for three years in the same troop February 21, 1864.

He was captured August 18, 1864, at Charleston, Va., and paroled at Aiken's Landing, Va., February 17, 1865; reported at Camp Parole, Md., February 20, 1865, and was sent to Camp Distribution, Va., April 7, 1865; he was received at Soldiers' Rest, Alexandria, Va., April 8, 1865, and departed the same day and reached Camp Remount, Pleasant Valley, April 9, 1865, and rejoined his troop at Cumberland, Md., some time in May or June, 1865. Here he received what purported to be a discharge from the service on June 30, 1865, and left his command on that date. It appears that this discharge was forged, but the said Henry swears that he believed it to be genuine.

Rev. J. M. Hammond, pastor of the Methodist Episcopal Church at Granger, Minn., Timothy Ryan, Matthew Elliott, D. A. Mosher, and William Benson, all testify to the good character and reputation of said George M. Henry for truth and veracity, and that he has been a good and reputable citizen during his residence in Fillmore County, Minn., which has been continuous since July, 1865.

The record shows that this soldier served throughout the entire war faithfully, and only departed, after the close of the war, on the last day of June, 1865, whereupon he was charged with desertion on the records.

Your committee is satisfied from the evidence that Private Henry believed that the paper given him was genuine and a proper discharge, as he had been informed (as he alleges) that all persons who had been captured and imprisoned for six months were entitled to their discharge, and knowing that the war was over he believed the allegations so made were true, and

did not know that he was borne on the rolls as a deserter until many years later.

Your committee therefore recommend that this bill do pass, after being amended by striking out all of the bill after the word "deserter," in line 8, and inserting in lieu thereof the words, "Provided, That the passage of this act shall not serve to entitle him to any pay, bounty, or allowance."

The amendments recommended by the committee were agreed to.

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

SUSANNAH CHADWICK.

Mr. HALLOWELL. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 4955) granting a pension to Susannah Chadwick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susannah Chadwick, now 78 years of age, dependent daughter of Elihu Chadwick, who served as a lieutenant in the Revolutionary army, and pay her a pension at the rate of \$25 per month from the passage of this act.

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

The Committee on Pensions, to whom was referred the bill (H. R. 4955) granting a pension to Susannah Chadwick, have considered the same and report as follows:

The claimant is the daughter of Elihu Chadwick, whose service in the war of the Revolution is certified to by the adjutant-general of New Jersey as follows:

"Elihu Chadwick was commissioned as an ensign in the Second Regiment Hunterdon County, N. J., Militia; was promoted lieutenant in the same regiment, afterwards transferred as lieutenant to the First Regiment Monmouth County, N. J., Militia, and in these offices served in the Revolutionary war."

In her position the claimant states she is 78 years old, wholly without means of support, and entirely dependent upon relatives for food and clothing. Maynard Ingalsby and B. H. Freeman corroborate, under oath, the above statements of the claimant.

Your committee find there are several precedents for the proposed legislation, and in view of the claimant's great age and necessitous circumstances the passage of the bill is recommended.

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

JULIA P. WRIGHT.

Mr. HALVORSON. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 7226) granting a pension to Julia P. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia P. Wright, widow of John H. Anderson, who served in Company H, First Regiment Indiana Volunteers, in the war of the rebellion, and pay her a pension of \$8 per month during life from and after the passage of this act.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7226) granting a pension to Julia P. Wright, have considered the same and report:

The claimant's first husband, John H. Anderson, is shown by the records of the War Department to have been enrolled June 18, 1846, in Company H, First Regiment Indiana Volunteers, war with Mexico, and to have been mustered out as a private with the company June 14, 1847.

In her petition the claimant states that during his said service her husband, John H. Anderson, from exposure and hardships contracted bronchial and lung trouble, from which he died June 16, 1896; that she remained his widow until the year 1880, when she married one William Wright, who died a short time afterwards, leaving her again a widow, but that because of said second marriage she is debarred from obtaining the benefits of the pension laws on account of Anderson's service. She further states that she is now on the shady side of life, in dependent circumstances, without means of support, and unable to earn a living by personal exertion.

The claimant's dependent condition is also shown by the testimony of Bruce Robinson, a citizen of Sebastian County, Ark. The claimant resides at 1700 Papin street, St. Louis, Mo.

Your committee recommend that the bill be amended by striking out the words "of the rebellion," in line 8, and inserting in lieu thereof the words "with Mexico;" also by striking out the words "during life," in line 9, and that as so amended the bill do pass.

The amendments recommended by the committee were agreed to.

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

LUCY SPOTBERRY.

Mr. HARE. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 5022) for the relief of Lucy Spotberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Spotberry, widow of Asahel Thayer, late private of Company K, Forty-first Regiment Ohio Volunteer Infantry.

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

FRENCH W. THORNHILL.

Mr. HARRIES. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 6030) granting a pension to Dr. French W. Thornhill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Dr. French W. Thornhill, of Spring Valley, Minn., at the rate of \$30 per month, and who shall be entitled to receive such amount from and after the approval of this act, subject to the rules and limitations prescribed by law.

The report (by Mr. HARRIES) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 6030) granting a pension to Dr. French W. Thornhill, and submit the following report:

Dr. French W. Thornhill, of Spring Valley, Minn., is the son of Maj. S. P. Thornhill, deceased, a surgeon of the Eighth Wisconsin Volunteer Infantry.

The said Dr. French W. Thornhill was in the years 1861 and 1862 present with said regiment, although not mustered into the United States military service, and assisted and rendered valuable and efficient service, acting as assistant to his father in caring for the sick and wounded.

He was with said regiment in the following engagements: Iron Mountain Bridge, Missouri; Fredericktown, Mo.; Fort Henry, Fort Donelson, New Madrid, Island No. 10, Pittsburg Landing or Shiloh, Farmington, and Iuka Springs. After the battle of Iuka Springs the said Dr. French W. Thornhill, by order of Gen. Rosecrans, was sent back to take charge of a neutral hospital, where he remained until the battle of Corinth, where he received, while in the discharge of his said duty as acting assistant surgeon of said regiment, a gunshot wound in his right hip from a rifle ball, whereby he was disabled.

The evidence also shows that Dr. French W. Thornhill, at the battle of Farmington, from exposure and overexertion in rendering aid and caring for the sick and wounded, received and sustained a sunstroke and contracted dysentery and chronic diarrhea, and is now greatly disabled.

Your committee believe this to be a meritorious case, and recommend that the bill do pass with the following amendments:

Strike out all after the word "rate," in line 6, and insert in lieu thereof the words "of \$17 per month, on account of gunshot wound of right hip, received at the battle of Corinth."

The amendments recommended by the committee were agreed to.

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

AMELIA GRAHAM.

Mr. HARTER. Mr. Chairman, I ask unanimous consent for the present consideration of a bill (H. R. 5705) to increase the pension of Amelia Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amelia Graham, widow of Francis Graham, late a private in Capt. J. Morris's company, Pennsylvania Militia, in the war with Great Britain, upon the pension roll at the rate of \$30 per month, from and after the passage of this act.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5705) to increase the pension of Amelia Graham, beg leave to submit the following report:

It appears from the papers before your committee that Amelia Graham is the widow of Francis Graham, who was a private in Capt. J. Morris's company of Pennsylvania militia during the war of 1812, and that she is now receiving a pension of \$12 per month.

The claimant is 96 years old, without property or income of any kind aside from her pension, and so helpless from paralysis that she requires the constant aid and attendance of another person.

These facts are shown by the sworn statements of five neighbors, the claimant's physician, and the treasurer and auditor of the county in which she resides. The Grand Army post of Ashland, Ohio, also recommend favorable action on the bill.

It is the opinion of your committee that this is a meritorious case, and they recommend that the bill be amended by striking out the word "thirty," in line 7, and substituting in lieu thereof the word "twenty-five," so as to fix the rate of pension at \$25 per month, and that as so amended the bill do pass.

The amendments recommended by the committee were agreed to.

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

ELISHA BROWN.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 6969) for the relief of Elisha Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed and authorized to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Elisha Brown, late a private in Company F, First Regiment United States Infantry, serving from February 19, 1829, to February 18, 1834, and to allow him a pension at the rate of \$30 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6969) for the relief of Elisha Brown, have considered the same and respectfully report:

The claimant was a private in Company F, First United States Infantry, enlisting therein February 19, 1829, and was honorably discharged February 18, 1834. While in said service, at the battle of Bad Axe, in the summer of 1832, in the Black Hawk war, Mr. Brown received a lance wound of left leg, and he is now receiving a pension rated at \$4 per month on account of said wound. This pension was allowed by certificate No. 555236, under the general pension laws.

It appears from the papers before your committee that the claimant is now about 80 years old, without property or income of any kind aside from his small pension, and so disabled and crippled by the wound received in the service and by injuries incurred by a fall since his service that he can do no labor by which to support himself, and he is unable to dress or undress himself without assistance.

The facts are shown by the sworn statements of the claimant and by the

affidavits of Robert McCauley and Andrew Tainter, citizens of Dunn County, Wis.

Your committee recommend that the bill be amended by striking out the word "twenty," in line 10, and substituting in lieu thereof the word "fifteen," so as to fix the rate of pension at \$15 per month, and that as so amended the bill do pass.

The amendments recommended by the committee were agreed to.

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

ELIZABETH VOSS.

Mr. HAYES of Iowa. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 8017) granting a pension to Elizabeth Voss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Voss, widow of Jacob Imsun, late of Company A, Sixteenth Regiment of Iowa Infantry.

The report (by Mr. BUTLER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8017) granting a pension to Elizabeth Voss, having examined and considered the same, report the same back to the House with a recommendation that it do pass.

Mrs. Voss was the wife of Jacob Mann, late of Company A, Sixteenth Regiment Iowa Infantry. He was taken prisoner of war and taken to Andersonville prison, where he died. His widow applied for a pension for herself and on account of minor children, which was granted, thereby establishing the right to the pension.

Some two years thereafter she married one John Voss, and thereby under the law lost her right to a pension. Her second husband, said John Voss, died in 1888, since which time she has remained a widow. She is now troubled with sciatic rheumatism, is unable to work and earn a support, and has no property for her own maintenance, and is now supported through the provision of others.

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

GEORGE W. MCKINNEY.

Mr. HEARD. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (S. 2990) for the relief of George W. McKinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to revoke and set aside the general order of Maj. Gen. D. S. Stanley, dated Headquarters First Division, Fourth Army Corps, March 21, 1864, and numbered 22, approving the finding and sentence of the general court-martial in the case of George W. McKinney, private Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, finding him "not guilty of desertion, but guilty of absence without leave," and sentencing him "to forfeit all pay and allowance due him from the United States from the 18th day of August, 1862, until the 23d day of June, 1863," and correct his record so as to show him absent on leave duly granted, from May 19, 1862, to August 18, 1862, and absent, disabled from sickness and disease, rendering him unfit for any military duty, up to September 24, 1863, when he rejoined his company.

The report (by Mr. CROSBY) is as follows:

The Committee on Military Affairs, having considered the bill (S. 2990) for the relief of George W. McKinney, report favorably thereon, and adopt as their report the Senate report on said bill.

[Senate Report No. 613, Fifty-second Congress, first session.]

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following report (to accompany S. 2990):

The Committee on Military Affairs, to which was referred the bill (S. 2990) for the relief of George W. McKinney, have duly considered the same and submit the following report:

In the Fifty-first Congress H. R. 5121, for the relief of said George W. McKinney, was passed by the House and favorably reported by this committee to the Senate with amendments, but was not considered or acted on in the Senate. To accompany that bill Senate Report No. 2409 was made, which contains the records and proceedings of the court-martial and much other data, and to which reference is made.

The facts in this case, as shown by the records and evidence submitted are as follows: This claimant, George W. McKinney, sometimes named George McKinney, or George McKinney, Jr., or George W. McKinney, Jr., at the age of 18 years was enrolled in Company E, Thirty-sixth Indiana Volunteer Infantry, on August 23, 1861, and mustered into the service in same company on October 15, 1861, for three years, and was duly accounted for on his muster rolls up to the roll for July and August, 1862, on which he was "marked as a deserter on August 18, 1862. His name next appears on roll for March and April, 1864, as 'present,' to forfeit all pay and allowances due him from the United States from August 18, 1862, to June 23, 1863, by sentence of general court-martial." The next roll on file is for September 21, 1864, on which he was duly mustered out of the service, and the same entry as to court-martial proceedings made.

This is briefly the record on the muster rolls.

The hospital records show that he was admitted to general hospital at New Haven, Ky., December 27, 1861, for treatment for measles, and was sent to Nelson Barracks February 4, 1862, and that he was "wounded slightly at the battle of Pittsburg Landing, Tenn., on April 6 and 7, 1862, and admitted on board hospital steamer D. A. January May 10, 1862, for treatment for rheumatism," and was transferred to general hospital at Jefferson Barracks, Mo., May 14, 1862, and admitted there May 14, 1862, with rheumatism, and was furloughed for twenty days from May 19, 1862. The records of the chief medical officer at Indianapolis, Ind., show that he reported there and was ordered for examination on July 1, 1862, but do not show the result, and that he again reported at same office on August 12, 1862—action taken not shown—and that he reported again on August 13, and was ordered to his regiment.

On June 23, 1863, he was received at Soldiers' Home, Indianapolis, Ind., and was sent to his regiment via Louisville, Ky., and Nashville, Tenn., and reached his regiment on or about September 24, 1863. On December 21, 1863, a general court-martial was convened and met at Whiteside, Tenn., before which, on January 13, 1864, he was arraigned charged with "desertion," the

specification being that he did, after the expiration of a furlough granted him at St. Louis, Mo., on the 19th day of May, 1862, and which was renewed at Indianapolis, Ind., fail to report as required by said furlough and was marked a deserter August 18, 1862, in pursuance of general order from War Department. He did not rejoin his company and regiment until on or about the 24th day of September, 1864.

To the charge and specification he pleaded "not guilty." The general court-martial found him guilty of the specification, but not guilty of desertion, but guilty of absence without leave, and sentenced him "to forfeit all pay and allowance due him from the United States from the 18th day of August, 1862, until the 23d day of June, 1863."

Serious confusion has arisen in the record entries from the fact that there was another soldier named George W. McKinney in same company, an uncle of this claimant, who was marked a deserter in August, 1862, and never did return to his command.

This claimant insists that the charge of desertion against his uncle was the cause of the charge against him.

The records and proceedings of the court-martial show that his furlough for twenty days from May 19 to June 7, 1862, was duly extended to June 27, 1862, and then contains the following certificates and furlough to wit:

"To all whom this may concern:

"I, the undersigned, a practicing physician in the town of Quincy, in the county of Jay, and State of Indiana, do hereby certify that I have had George W. McKinney, Jr., a private of Company E, Thirty-sixth Regiment Indiana Volunteers, under medical treatment since his return from the Army at Shiloh, from which place he was sent home about the 1st of May, and having this day visited him do hereby make the following certified statement as to condition and physical health at the present time, viz:

"That his bronchial tubes are much diseased; that ever since his return he has been laboring under severe chronic inflammation of the lungs, and chronic inflammation of both kidneys, the result no doubt of cold taken while laboring under a severe attack of measles and camp fever last winter in Kentucky; he is also severely afflicted in the spine; these diseases combined are producing palpitation of the heart. I further certify that he is not able to travel and can stand but very little exercise, and I further certify that the said George W. McKinney, Jr., is not able for military duty, and that owing to his youth, delicate condition, and deranged state of health that he never will be able to render military service. I would therefore recommend that he receive a final discharge.

"Given under my hand this 16th of July, 1862.

"JOHN A. HENNING,
"Attending Physician.

"STATE OF INDIANA, County of Jay:

"Before me, the undersigned, a notary public in and for said county, personally came the above-named John A. Henning, and being by me duly sworn, declares upon his oath that the above certificate is true, and I further certify that the said John A. Henning is a respectable practitioner of medicine of long standing at Quincy, in the county aforesaid.

"Given under my hand and official seal this 16th July, 1862.

"FREDERICK STOVER,
"Notary Public."

"Upon the within certificate a furlough is granted the within-named George W. McKinney, Jr., a private of Company E, Thirty-sixth Regiment Indiana Volunteers, for the period of thirty days, and in the meantime should the said soldier be at any time during said periodable to travel he will appear before the chief medical officer here for examination, with a view to his discharge.

"J. S. SIMONSON,

"Colonel of United States Army, Commanding Post.

"INDIANAPOLIS, July 19, 1862.

"The certificate is not in form as prescribed for disabled soldiers to found a discharge upon.

"J. S. S.

"Will report for examination August 12.

"By order. J. S. SIMONSON, Commanding Post."

This certificate of Dr. John A. Henning is fully corroborated by the affidavits of Wesley J. Evans, Samuel S. Taylor, and Amos Hall, who were neighbors of claimant and personally knew his condition from the date of Dr. Henning's certificate to June 23, 1863, when claimant reported voluntarily to Col. Simonson and was ordered to his command. They clearly show he was wholly unfit for military duty of any kind during this entire period.

The General Orders No. 92, War Department, July 31, 1862, which revoked all furloughs after August 11, 1863, and directed all soldiers fit for duty absent on August 18, 1862, to be regarded as deserters, prescribed that the only excuses for absence after August 11, 1862, were, first, order of leave from War Department; second, disability from wounds received in service, and third, disability from disease rendering the soldier unfit for military duty; and as this soldier was absent on August 18, 1862, he was marked a deserter as by that order, which is referred to in the specification as the ground for the charge of desertion.

It was impossible for this soldier to procure the evidence now adduced in the affidavits referred for presentation and consideration by the general court-martial. As further evidence of the fact of his unfitness for military duty, even when he voluntarily reported, is the record that, although in military control from and after June 23, 1863, he did not reach his company until on or about September 24, 1863, which is explained by the claimant that he was on his arrival at Nashville, Tenn., sent to the prison hospital and there under treatment from June to September, 1863. There are no records of that hospital on file in the War Department. The sentence of the court-martial only declared forfeit of pay, etc., up to June 23, 1863, and he must after that date have been in some hospital or he would have been forwarded to his company.

The evidence referred to shows clearly that he was properly and legally exempt from the charge of desertion, or even absence without leave, because of his disability from disease rendering him unfit for military duty, and had he been able to produce the evidence now before your committee the court-martial would certainly have not so sentenced him or so found. Another fact was developed by the court-martial proceedings, which is that after he had received Dr. Henning's certificate, evidently prepared as a basis for his discharge for disability, but found by Col. Simonson not in the form prescribed in such cases, and had reported, he was furnished a certificate, which he believed to be a discharge from the service, from one Lamar, who was engaged in furnishing what purported to be furloughs for discharges, or discharges, which proved to be false and forged.

This claimant certainly believed he was properly absent, and as soon as he heard that there was a charge of desertion against him or his uncle, he voluntarily reported, having in the mean time been at home without any concealment, under treatment for diseases rendering him wholly unfit for duty.

In view of all the facts in this case—the youth of this soldier, the reasonable grounds he had to believe that his furlough had been properly extended, and his established unfitness for duty during the period from August 18, 1862,

to June 23, 1863, and his voluntary return, and his subsequent faithful service and honorable discharge—your committee believe that it is a matter of simple justice and clear right to authorize the Secretary of War to revoke and set aside the order approving the findings and sentence of said court-martial, and to correct his record so as to show the facts as they were; that he was on leave, duly granted, from May 19, 1862, to August 18, 1862, and absent, disabled from sickness and disease, rendering him unfit for any military duty, up to September 24, 1863, and accordingly report the bill back to the Senate and recommend its passage.

Your committee hereto append and make a part of this report the military and hospital record of claimant and the affidavits before referred to.

Record of George McKinney, Company E, Thirty-sixth Indiana Volunteers.

George McKinney (aged 18 years) was enrolled August 23, 1861, and mustered in October 15, 1861, to serve three years in Company E, Thirty-sixth Indiana Volunteers. On muster rolls of said company from enrollment of soldier to April 30, 1862, he is reported "present" (his name appears as George W. McKinney on roll dated February 23, 1862); on roll for May and June, 1862 (as George W. McKinney), "absent sick;" for July and August, 1862 (as George W. McKinney, jr.), "marked as a deserter on the 18th of August, 1862, by order from War Department."

His name is not borne on subsequent muster rolls of company until that for March and April, 1864, when it appears (as George W. McKinney, enlisted September 6, 1861) with report, "present; to forfeit all pay and allowances due him from United States from August 18, 1862, to June 23, 1863, by sentence of general court-martial." The next roll of the company on file is the muster-out roll of the nonveterans of the company, dated September 21, 1864, on which he was mustered out with remark similar to that on roll for March and April, 1864.

(There is nothing of record to indicate that the soldier was absent during the period between April 30 and September 21, 1864.)

The following is the medical record of this soldier, so far as it can be determined from the evidence on file, to wit:

As George W. McKinney, Company E, Thirty-sixth Indiana Volunteers, he was admitted to the general hospital, New Haven, Ky., December 27, 1861, for treatment for measles, and was sent to Nelson Barracks February 4, 1862, as George W. McKinney, "wounded slightly at the battle of Pittsburg Landing, Tenn., April 6 and 7, 1862;" as George W. McKinney, he was admitted on board hospital steamer D. A. January, May 18, 1862, for treatment for rheumatism, and was transferred to general hospital at Jefferson Barracks, Mo., May 14, 1863; as George W. McKinney he was admitted to the last-named hospital May 14, 1863, with rheumatism, and was furloughed for twenty days from May 19, 1863; no record of return to that hospital from furlough.

The records of the chief medical officer, district of Indiana, Indianapolis, Ind., show that George W. McKinney, private Company E, Thirty-sixth Indiana Volunteers, reported at that office and was "ordered for medical examination" July 1, 1862, but the result of such examination does not appear; that George McKinney, Company E, Thirty-sixth Indiana Volunteers, reported at same office August 12, 1862 (action taken not shown); that George W. McKinney, Company E, Thirty-sixth Indiana Volunteers, reported at same office August 13, 1862, was "ordered to regiment" the same day.

The next record of this man is of date June 23, 1863, when he was received at Soldiers' Home, Indianapolis, Ind. From that place he was sent to his regiment via Louisville, Ky., and Nashville, Tenn., and reached it on or about September 24, 1863.

On January 13, 1864, he was arraigned and tried before a general court-martial on the charge of desertion; was found not guilty of desertion, but guilty of absence without leave, and sentenced "to forfeit all pay and allowance due him from the United States from the 18th day of August, 1862, until the 23d day of June, 1863," which sentence was duly promulgated on orders dated March 2, 1864.

WAR DEPARTMENT.

Record and Pension Division, January 20, 1892.

Affidavit.

STATE OF INDIANA, County of Jay, ss:

This day personally appeared before me, Matthew Atkinson, a justice of the peace in and for said county and State, James W. Evans, aged 48 years, to me personally known to be a person of good repute, who, being duly sworn, declares as follows: That he is personally acquainted with G. W. McKinney, jr., late a member of Company E, Thirty-sixth Indiana Regiment; that during the time the said McKinney was absent from his regiment, namely the fall, winter, and spring of 1862 and 1863, I lived near him, went to see him often; that during all this time he remained at home with his parents; was badly afflicted with rheumatism and lung trouble, and was under medical treatment during all this time for same, and was often in a critical condition, as I was informed by the doctors who attended him (with whom I was intimately acquainted); was with the said G. W. McKinney the day before he started back to his regiment in June, 1863, and believe him at that time to have been in a critical condition, unable to make the trip.

WESLEY J. EVANS.

Subscribed and sworn to before me this 30th day of March, 1892.

I certify that I have no interest in the above claim or its prosecution.

MATTHEW ATKINSON,

Justice of the Peace.

(Certificate on file at Department.)

STATE OF MISSOURI, County of Newton, ss:

This day personally came before me, clerk of county court for county and State aforesaid, Samuel S. Taylor, to me personally known to be a person of good repute, who, being duly sworn, declares as follows: I am intimately acquainted with G. W. McKinney, jr., late a member of Company E, Thirty-sixth Indiana Regiment; that I lived near his parents in 1862 and 1863; that after the battle of Pittsburg Landing, in 1862, the said G. W. McKinney was furloughed home, and remained at home on furlough, and what was thought to be a discharge furlough, until June, 1863; about this time it being reported that he was marked as a deserter, he at once reported to Indianapolis. On account of his weak, debilitated condition at that time I accompanied him to that place. During the time the said G. W. McKinney was at home he was badly afflicted with lung trouble and rheumatism; was under medical treatment for same all the time, and on account of same was closely confined at his parents' house during all this time.

SAMUEL S. TAYLOR.

Sworn to and subscribed before me the 26th day of March, 1892.

[SEAL.]

P. R. SMITH,

Clerk of County Court.

STATE OF INDIANA, County of Jay:

This day personally appeared before me, Matthew Atkinson, a justice of the peace in and for said county of Jay and State of Indiana, Amos Hall, to

me personally known to be a person of good repute, who, being duly sworn, declares as follows: I am personally acquainted with G. W. McKinney, late a member of Company E, Thirty-sixth Indiana Regiment; that I lived adjoining his father's in May, 1862, at which time the said G. W. McKinney came home from the Army on furlough; that at this time he was afflicted with rheumatism, lung trouble, and general debility; that he remained at home until June, 1863; that during all this time he was at home with his parents under medical treatment for above disabilities, and often in a critical condition from same. I believe him to have been wholly unfit for any military duty during this time.

AMOS HALL.

Subscribed and sworn to before me this 2d day of April, 1892.

MATTHEW ATKINSON,

Justice of the Peace.

(Certificate on file at Department.)

Mr. HEARD. Mr. Chairman, I can state very briefly the facts in this case.

Mr. KILGORE. Is this a bill to remove a charge of desertion?

Mr. HEARD. It is a bill to remove a charge of being absent without leave. The evidence in this case clearly shows that this boy, who was only 18 years of age, thought he was duly authorized to be absent, and that he was not absent without leave.

Mr. HARRIES. Was he a commissioned officer?

Mr. HEARD. No; he was a boy 18 years old. He was in the hospital, sick. He left it to go home under furlough, and when he found out he was charged with desertion, he immediately returned and reported to his command, although he was in no condition to do so. He was sick and had to be sent to the hospital, where he remained some time. This man has suffered unjustly under this charge for twenty-five years. It is a meritorious case, and I hope it will not be obstructed.

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

JOHN FIELDS.

Mr. HENDERSON of Illinois. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 2128) granting a pension to John Fields.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fields, of Allegheny City, Pa., who was a private in Company E, Sixth Regiment United States Infantry, enrolled November 15, 1837, and discharged November 15, 1840, and who, while in the discharge of his duties, contracted rheumatism, by which he has since been and is still disabled.

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

JOHN S. DUNHAM.

Mr. HERMANN. Mr. Chairman, I call up for consideration the bill (H. R. 3118) to pension John S. Dunham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the limitations and regulations of the pension laws of the United States, the name of John S. Dunham, late of Winters's company in Grundy County Battery, Missouri Militia, pension application numbered 702973.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3118) granting a pension to John S. Dunham, submit the following report: John S. Dunham was a private soldier of Capt. Ezekiel Winters's company of Missouri State militia, which organization was called into the service of the State on the part of the Government of the United States, in the year 1862, for the period of six months. While in said service in line of duty, engaged in a fight with bushwhackers, said Dunham received permanent injuries by his horse falling on him, injuring his breast, fracturing his ribs and collar bone, and so severely injuring the forefinger of the right hand that it became necessary to amputate the same at the first joint.

Dunham applied for a pension, but the Bureau rejected his claim "on the ground that the organization in which claimant incurred his disabilities was a State organization and claimant is therefore not entitled to pension."

Your committee recommend the passage of the bill granting a pension to claimant, after amending the same by striking out all of said bill after the word "roll," in line 4 thereof, and inserting the following: "The name of John S. Dunham, late of Winters's company, Grundy County Battery, Missouri Militia, and pay him a pension for injury to breast, ribs, collar bone, and right forefinger, subject to the provisions and limitations of the pension laws."

The amendment recommended by the committee was agreed to.

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

HARRIETT E. NILES.

Mr. HOOKER of New York. Mr. Chairman, I call up for consideration the bill (H. R. 9585) for the relief of Harriett E. Niles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett E. Niles, and to pay her a pension of \$12 per month, as the foster mother of Frank James, alias Niles, late private Company E, One hundred and eleventh New York Volunteers.

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

MARION KERN SHARMAN.

Mr. HULL. Mr. Chairman, I ask for the consideration of the bill (H. R. 7662) granting a pension to Marion Kern Sharman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll the name of Marion Kern Sharman, of Des Moines, Iowa, widow of David C. Kern, late a private of Company C, Ninety-seventh New York Volunteers, and pay her a pension of \$12 a month from the passage of this act.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 7662, submit the following report:

Marion Kern Sharman was Marion Kern; her former husband was David C. Kern, a member of Company C, Ninety-seventh Pennsylvania Infantry, and was killed at Fredericksburg, in 1862. This applicant drew a pension as the widow of Kern until 1865, when she married Joseph P. Sharman and remained his wife until October 2, 1891, when she obtained a divorce from him. Sharman's health failed as he alleged, so that he did not support this applicant, and in 1882 he went South and remained until in 1885, when he returned, and remained but a few days and abandoned his wife.

All these years Mrs. Sharman had maintained herself and family by daily labor, and finally, as above stated, obtained a divorce on the ground of desertion.

In view of the fact that Mrs. Sharman received no benefit from her marriage with Sharman in the way of support, and after years of toil and trials was compelled to seek a divorce, and has no means of support except by daily toil, your committee recommend the passage of said bill.

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

MRS. ELIZA T. PALMATIER.

Mr. JOLLEY. Mr. Chairman, I call up for consideration the bill (H. R. 9139) to pension Mrs. Eliza T. Palmatier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension rolls, subject to the provisions and limitations of the pension laws, the name of Mrs. Eliza T. Palmatier, widow of Moses Chamberlain, corporal in Company K, Ninth Regiment Minnesota Volunteer Infantry, deceased, and pay her a pension at the rate \$12 per month from and after the passage of this act.

The report (by Mr. HARRIES) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 9139) granting a pension to Eliza T. Palmatier and submit the following report:

The petitioner, whose address is No. 315 Sanborn street, Winona, Minn., was formerly the widow of Moses Chamberlain, who served in Company K, Ninth Minnesota Volunteers, from September 11, 1862, until his death in service July 17, 1865. The widow was pensioned from the soldier's death to March 12, 1871, when she married again; a pension was then paid to a child of the soldier until December 23, 1875, when he became 16 years of age, since which no pension has been paid. These facts appear from the records of the Pension Bureau.

The petitioner testifies that her husband, J. S. Palmatier, died December 4, 1890; that she is 62 years of age and has no means of support but daily labor, which she is little able to do, and that she will be dependent on those not legally bound to support her.

Thomas Simpson, of Winona, Minn., testifies that J. S. Palmatier died December 4, 1890, and that the petitioner has not remarried since his death, and that she has no means of support other than her daily labor.

Your committee return the bill with the recommendation that it do pass, after being amended by inserting the word "formerly" after the name "Palmatier" in line 6.

The amendment recommended by the committee was agreed to.

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

Mr. CRAWFORD. Mr. Chairman, I am opposed to establishing precedents by which the door may be opened for extravagance in the future, whether it be for pensions or what not. I am unwilling to place additional burdens upon the people of my State when they are already suffering on account of the scarcity of money, due to the prevailing low prices of all products upon which they rely for money.

There never has been a time in the history of this country when so much unrest was exhibited among the industrial classes as at the present time; and all are looking to the Federal Government for relief, and a thousand plans have been suggested. Grievances from the farmers of the South and West and from the operatives of the great mills of the North—products of the farm declining and the wages of the laborer reduced.

All admit that there is cause for complaint, but there is great danger of making a grievous mistake in selecting a remedy for the evils complained of. I want to say here and now that it is due, in my judgment, largely to our Federal system of taxation and inequitable distribution of appropriations from the national Treasury. We can not hope for permanent financial relief for all sections of our country until we have a fair and equitable adjustment of tariff taxation limited exclusively to governmental purposes, and an honest and economical administration of public affairs.

Through the iniquitous tariff system the agricultural sections have been impoverished to enrich the great manufacturing centers. And but a small per cent of the vast sums collected and disbursed annually by the Federal Treasury finds its way back to the pockets of the people whose toil it represents. To those who have studied the discriminations of the high protective

tariff system there is nothing strange in the fact that Massachusetts has \$323 per capita while North Carolina has but \$7.

It is the policy of the Republican party to put the Government in partnership with the manufacturers in the collection of Federal taxes, by which the Government gets one dollar as tax and the manufacturers get four as bounty. In other words, the Government collects \$200,000,000, in round numbers, every year from the foreign merchandise brought to this country, and the home manufacturers, by the assistance of the tariff laws, collect \$800,000,000 from their products, and the people pay it all.

That is to say, the people of the United States pay \$1,000,000,000 more, annually, for the necessities of life than any other people on the face of the earth would have to pay for the same goods.

This is called "protection to American labor" (?), and at the same time it makes millionaires. This vast sum is being drawn from every nook and corner of the Republic, from the rank and file of the people, as they make their daily purchases at the stores. But the merchants are not responsible, for they have already paid it to the manufacturer, and of course, must collect it from the people. Every man in the South knows that most of the money realized at the end of the year goes to the merchants to settle accounts and pay off mortgages for the year's supplies, and from the merchants it goes to the great trade centers never to return.

The small amount the tariff barons leave the Treasury as its part of the spoils, is being absorbed by pensions. Think of it. We are paying twice as much for pensions alone as was required to defray the entire expense of the Government under Buchanan's Administration, and more than it costs England and Germany to support their standing armies. And the last Republican Congress, by act of June 27, 1890, added 300,000 new names to the pension rolls, which this Congress must provide for under the law and appropriate the enormous sum of \$146,000,000 for the fiscal year 1893, and comparatively none of it goes to the Southern States. These continuous drains upon our resources, if not checked, will soon bankrupt the South, and the Republicans are solely responsible.

Mr. Chairman, notwithstanding the hard times and an empty Treasury, that side of the House has by speech and by vote tried to make this a "billion-dollar Congress," just as if they were under no obligation to the people.

When sorrows come, they come not single spies,
But in battalions.

In the midst of the financial crisis of the South the Omaha convention capped the climax by putting at the head of the Reform ticket a man who was untiring in his efforts, as a member of the Forty-sixth, Forty-ninth, and Fiftieth Congresses, to pass a bill to pay the Federal soldiers the difference in value between the greenbacks they received and gold. And to carry into effect its provisions the bill carried an appropriation of \$300,000,000 as the first installment. Strange relief! Splendid reform!

I send the bill Mr. Weaver introduced into the Forty-ninth Congress to the Clerk's desk and ask that it be read.

The Clerk read as follows:

Mr. J. B. Weaver introduced the following bill:

A bill (H. R. 3378) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds.

Whereas the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion were, from the necessity of the case, compelled by law to receive for their services a depreciated currency, greatly inferior in value at the time to the gold coin of the United States; and

Whereas the Congress of the United States has heretofore in the most solemn manner affirmed that good faith requires that all Government obligations shall be paid in coin or its equivalent; and

Whereas the obligation of the Government to the soldiers and sailors who hazarded all, including life, that this nation might live, is of the most sacred and binding character: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid to each private soldier, noncommissioned officer, sailor, teamster, or musician regularly mustered into the service of the United States during the late war for the suppression of the rebellion, or to his or their legal representatives in case of death, as soon as his or their claim shall be examined and audited by the Second Auditor of the Treasury, the sum found due him or them, the amount thereof to be ascertained as follows: The Second Auditor shall ascertain the amount of currency paid said soldier or sailor at each date of payment during his term of service, and shall ascertain the gold value of said currency payable at the time, by reference to the quotations of gold, as compared with the currency in which said soldier or sailor was paid, at the city of New York at that date; and said soldier, sailor, or his legal representatives shall be allowed and paid the difference in value between the currency which he received and the standard gold coin of the United States in which he should have been paid.

SEC. 2. That to enable the Government to meet the payments required by this act the Secretary of the Treasury is hereby authorized to cause to be issued \$300,000,000 of United States notes, or so much thereof as shall be found necessary, of the denominations of one, two, five, ten, twenty, and fifty dollars; and said notes, when so issued, shall be a legal tender in payment of all debts, public and private, and shall be kept in circulation in manner as now provided by law for other United States notes.

SEC. 3. That the sum of \$300,000,000, or so much thereof as shall be neces-

sary to make the payments required by this act, is hereby appropriated out of the money by this act authorized to be issued.

Mr. CRAWFORD. Mr. Chairman, this bill was first introduced by Mr. Weaver at the second session of the Forty-sixth Congress, and was H. R. 2480, and on December 3, 1879, was referred to the Committee on Military Affairs. (See House Journal, page 40.) The same bill was introduced by him in the Forty-ninth Congress, and on January 11, 1886, was referred to the Committee on Military Affairs. And the same bill was again introduced by him in the Fiftieth Congress as H. R. 1356 and was referred to the Committee on Military Affairs on January 4, 1888. Mr. Weaver's persistency shows the deep interest he had in the success of this measure, having introduced it in every Congress of which he was a member.

Mr. Chairman, this is one of the most unjust and reckless schemes ever attempted to be pushed through the American Congress, and proves conclusively that Mr. Weaver is an enemy to the financial interests of this country, and especially to the South; for we could get no benefit from such appropriations. It is purely sectional.

We want a man for President whose sympathy knows no East, no West, no North, no South; a President for all the people of the United States.

Mr. Chairman, it is interesting to note just now that Mr. Weaver was a bitter and hostile enemy of the Southern people only a few short years ago. "What has come over the spirit of his dreams" that makes him love us now? "Who ever loved that loved not at first sight?" I will read the following extracts from his speeches in the CONGRESSIONAL RECORD of the Fiftieth Congress, page 6146:

THESE ARE SOME OF WEAVER'S UTTERANCES ON THE DEMOCRATIC PARTY MADE IN PUBLIC SPEECHES.

He said at Albion on July 18, 1866:

"I want to congratulate you first, fellow-citizens, on the suppression of purely Democratic rebellion, gotten up by Democrats for the democratic purpose of dissevering this Union and perpetually establishing human slavery. Now and forever it is establishing as an eternal truth that the Democracy in no place or State can ever be trusted with government. As a party it should disband, just as a section of it did at Appomattox."

He said in a joint debate with Col. H. H. Trimble, at Bloomfield, on September 4, 1868:

"Here we have the old fight over again. The Confederate Democracy, North and South, in which the infamous copperhead division of Iowa appears, are again contesting with Grant for the safety of the Union. As at Donelson, he proposes to 'move on their works at once,' and there is no escape for this rank, traitorous horde, except in another surrender. Charge on them, fellow-Republicans, and spare not one, not even a deputy road supervisor, from total political annihilation."

[Laughter on the Republican side.]

He said in Bloomfield on September 26, 1869:

"What is the use of further arraigning the defunct Democracy, with all its hoary crimes, at the bar of public opinion? We know that its acts comprise murder, treason, theft, arson, fraud, perjury, and all crimes possible for an organization to commit."

[Renewed laughter on the Republican side.]

"It would be a mercy to put its record a million miles deep in the pit that is mentioned in Holy Writ; and I may add that if a large and distinguished assortment of its alleged statesmen were sent along it would only be common justice."

[Applause on the Republican side.]

He said in Fairfield, September 18, 1870:

"The Democracy, as usual, are loud in their opposition, but what did they ever do when they had a chance? Here in Iowa they stole the school fund and nationally they stole the arsenals, the Navy, the Treasury, everything that was not red hot, and created the very devil's rebellion. And these men appear and ask for your support. They should come on bended knee asking your forgiveness for the unspeakable crimes they have committed and the wretched miseries inflicted upon our common country."

[Loud applause on the Republican side.]

He said in Keokuk, September 16, 1871:

"The record of the Republican party appeals to the candid judgment of all men as unimpeachable, save, perhaps, that it was too lenient with the leading Democratic conspirators. The same old gang, save those who were shot or hung, are again conspiring to get possession of the Government next year. Woe to them! for the loyal hosts will crush them, and crush them forever and forever out of all possible danger of such a misfortune to our common country."

He said in Oskaloosa, September 25, 1872:

"No Republican can ever, under any circumstances, have any part or lot with the hungry, rebellious, man-hating, woman-selling gang corporated under the name of Democracy, a name so full of stench and poison that it should be blotted from the vocabulary of civilized man and handed over to the barbarism that it so fitly now and in all the past has represented."

[Prolonged applause on the Republican side.]

He said at Stiles, September 11, 1873, in referring to the financial policy of the Democratic party:

"But, then, what could you expect from the poor, blind, diseased, decrepit, dismal, damned old Democratic party?"

[Prolonged laughter on the Republican side.]

They were incorporated into a speech of Mr. HENDERSON of Iowa, delivered in the House on July 11, 1888, and appeared in the CONGRESSIONAL RECORD of that date, and were admitted at the time by Mr. Weaver to be correct, and he said in reply that he "had nothing to take back."

I desire to say in this connection, Mr. Chairman, that the brave old soldiers of the South were just as honorable, patriotic, and trustworthy when these false and scandalous harangues were made as they are in this year of grace, 1892. In the name of humanity, is there any hope for the poor and oppressed of the land who turn their faces toward the new Mecca and worship at the shrine of this mighty statesman?

The people will understand that we can get but little financial relief until we have financial reform. Relief is temporary; reform is substantial, and will give relief. If the Secretary of the Treasury could issue \$50 or \$100 per capita and scatter it broadcast over the country it would be only a question of time till it would all be concentrated in the great mercantile and manufacturing centers. The same broad channels which have carried the \$25 per capita we now have from the many to the few, will just as certainly carry \$50 or \$100. It is an irresistible conclusion, for it is done by force of law and is as inexorable as the laws of the Medes and Persians.

Down with the thieving tariff, down with fraudulent pensions, down with all extravagance in the administration of the Government; then a financial system can be established by which the people will be enabled, not only to get money, but to keep it when earned by the sweat of their faces. [Applause.] It is plain to everyone who has studied the situation from the proper standpoint, that the hard times is not so much due to the scarcity of money as it is to getting it properly distributed among the people for we have had more money per capita since 1888 than at any other time in the history of the nation, as is shown by the official report of the Treasury Department, which I append to my remarks.

From this report it will be seen that the issuing of more money without reforming the laws would make the rich still richer and leave the poor still poor. The millionaires would become billionaires and the people would continue to suffer.

Statement showing the amounts of money in the United States, in the Treasury, and in circulation, on the dates specified.

Year.	Amount of money in United States.	Amount in circulation.	Population.	Money per capita.	Circulation per capita.
1860.....	\$442,102,477	\$435,407,252	31,443,321	\$14.06	\$13.85
1861.....	452,005,767	448,405,767	32,064,000	14.09	13.98
1862.....	358,452,079	334,697,744	32,704,000	10.96	10.23
1863.....	674,867,283	595,394,038	33,365,000	20.23	17.84
1864.....	705,888,067	669,641,478	34,046,000	20.72	19.67
1865.....	770,129,755	714,702,995	34,748,000	22.16	20.57
1866.....	754,327,254	673,488,244	35,469,000	21.27	18.99
1867.....	728,200,612	661,992,069	36,211,000	20.11	18.28
1868.....	716,553,578	680,103,661	36,973,000	19.38	18.39
1869.....	715,351,180	664,452,891	37,756,000	18.95	17.60
1870.....	722,898,461	675,212,794	38,588,371	18.73	17.50
1871.....	741,312,174	715,889,005	39,555,000	18.75	18.10
1872.....	762,721,565	738,309,549	40,596,000	18.70	18.19
1873.....	774,445,610	751,881,809	41,677,000	18.58	18.04
1874.....	806,024,781	776,083,031	42,796,000	18.83	18.13
1875.....	798,273,509	754,101,947	43,951,000	18.16	17.16
1876.....	790,683,284	727,609,388	45,137,000	17.52	16.12
1877.....	793,053,847	722,314,883	46,353,000	16.46	15.58
1878.....	791,253,576	729,132,634	47,598,000	16.62	15.32
1879.....	1,051,521,541	818,631,733	48,866,000	21.52	16.75
1880.....	1,205,929,197	973,382,228	50,155,783	24.04	19.41
1881.....	1,406,541,823	1,114,238,119	51,316,000	27.41	21.71
1882.....	1,480,531,719	1,174,290,419	52,495,000	28.20	22.37
1883.....	1,643,489,816	1,230,305,696	53,693,000	30.60	22.91
1884.....	1,705,454,189	1,243,925,969	54,911,000	31.06	22.65
1885.....	1,817,658,336	1,295,538,615	56,148,000	32.37	23.02
1886.....	1,898,559,694	1,252,700,525	57,404,000	31.50	21.82
1887.....	1,900,442,672	1,317,530,143	58,680,000	32.39	22.45
1888.....	2,062,955,949	1,375,170,870	59,974,000	34.39	22.88
1889.....	2,075,350,711	1,380,361,649	61,289,000	33.86	22.52
1890.....	2,144,226,159	1,429,251,670	62,622,250	34.24	22.82
1891.....	2,100,430,062	1,503,067,555	63,975,000	32.83	23.45
1892.....	2,219,719,198	1,603,073,338	65,200,000	34.04	24.58

SAMUEL G. BRIGGS.

Mr. KEM. Mr. Chairman, I call up for consideration the bill (H. R. 4255) to pension Samuel G. Briggs, of Hale County, Ala. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Samuel G. Briggs, of Hale County, Ala., who served in the Florida war as a soldier in Capt. Henry Webb's company, Col. Acklin's regiment; and that the said Samuel G. Briggs be paid a pension under the provisions of the pension laws at the rate of \$24 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4255) granting a pension to Samuel G. Briggs, have considered the same and report:

The records of the War Department show that the claimant served from June 6, 1836, to July 25, 1836, as a corporal in Capt. Webb's company of light artillery, Alabama Volunteers, in the Creek Indian war.

The claimant is now nearly 80 years old, in extremely feeble health, and very poor. He is dependent entirely upon his own exertions for the support of himself, his old and feeble wife, and an invalid sister.

The facts are certified to by the gentleman who introduced the bill in the House, he having known the claimant for thirty years.

Your committee recommend that the bill be amended by striking out the word "twenty-four," in line 9, and inserting in lieu thereof the word "fifteen," and that as so amended the bill do pass.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with the recommendation that it do pass.

MONTGOMERY M. TUTTLE.

Mr. KILGORE. Mr. Chairman, I call up for consideration

the bill (H. R. 6970) to remove the charge of desertion from the record of Montgomery M. Tuttle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of Montgomery M. Tuttle, late a private in Company F, Twenty-ninth Regiment Maine Volunteers, and grant an honorable discharge to the said Montgomery M. Tuttle, as of date July 1, 1864.

The report (by Mr. PATTON) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6970) to remove the charge of desertion from the name of Montgomery M. Tuttle, submit the following report:

Montgomery Tuttle was enrolled at Clinton, Me., December 17, 1863, in Company F, Twenty-ninth Maine Volunteers, to serve three years. He is reported present to April 30, 1864, and on subsequent rolls to December 31, 1864, he is reported absent sick in hospital at New Orleans, La.

On rolls for January and February, 1865, absent without leave since January, 1865. March and April, 1865, he is reported as deserted from hospital in Pennsylvania January, 1865. Hospital records show him admitted to post hospital at Alexandria, La., May 8, 1864, with diarrhea, and transferred to general hospital May 22, 1864, as admitted to marine general hospital at New Orleans, with same disease, and was furloughed August 1, 1864, but the time for which he was furloughed is not stated.

Claimant, in affidavit executed October 9, 1889, states that at the time he enlisted he was but 15 years and 6 months old; that he ran away from home and enlisted without the permission of his parents; that while he was in the Red River campaign he was taken sick and was sent to the hospital at New Orleans; that he remained at said hospital, afflicted with typhoid fever, for about four months, when he was sent to his home in Maine on sick furlough for thirty days; that on the expiration of said furlough he was still sick and confined to his bed and unable to return, and when his health was partially restored his father refused to allow him to return.

October, 1889, Lydia D. Holt, mother of soldier, under oath corroborates the statements of soldier as to his age and circumstances connected with his return home and sickness while there, as also to the father preventing his return after recovery. This testimony is also corroborated by the testimony of two brothers of the soldier, and also by three neighbors.

Your committee has carefully considered the evidence in this case, and in view of the youth of the soldier, his long sickness, and the restraining influence of his parents, recommend that the bill be amended by adding after line 9 of the printed bill the words, "Provided, That no pay or allowances shall become due by virtue of this act," and as so amended that it do pass.

The amendment recommended by the committee was agreed to.

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

MRS. MARY A. MOORHEAD.

Mr. KRIBBS. Mr. Chairman, I call up for consideration the bill (H. R. 7510) for the relief of Mrs. Mary A. Moorhead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place upon the pension roll the name of Mary A. Moorhead, who served as a hospital nurse during the war of the rebellion, and pay her a pension at the rate of \$12 per month.

The report (by Mr. KRIBBS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7510) for the relief of Mrs. Mary A. Moorhead, submit the following report:

The claimant in this bill is Mrs. Mary A. Moorhead, who served under her maiden name of Mary A. Little as a nurse in Finley Hospital during the war of the rebellion from May 1, 1864, to June, 1865. The records of the War Department, as set forth in a letter from Maj. Ainsworth to your committee, shows that "Mary A. Little (now Moorhead) was attached to Finley Hospital, Washington, D. C., May 1, 1864, and was on duty at that hospital to include December 31, 1864."

There are also no file with your committee statements under oath by Mrs. Anna Wittenmeyer and Ellen M. Watson, who were connected with the Christian Commission during the war, and who knew the claimant and saw her in the hospital from sometime in 1864 until the close of the war in June, 1865, and that she was a faithful and competent nurse. The claimant's own affidavit to the same effect is also before your committee. A personal statement in writing from Hon. John Dalzell, who introduced this bill, says:

"I beg leave to impress on you, so far as I can by my own testimony, the justice of the bill for the relief of Mary A. Moorhead, who was a nurse during the war. She is exceedingly needy as well as worthy, and she is needy now. What she ought to have is present aid."

Your committee returns this bill with the recommendation that it do pass.

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

EDWARD R. CHAPMAN.

Mr. LANE. Mr. Chairman, I call up for consideration the bill (H. R. 3845) to increase the pension of Edward R. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to increase the pension of Edward R. Chapman, late a member of Company A, Second Regiment Illinois Volunteers, in the war with Mexico, from \$8 to \$30 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3845) granting an increase of pension to Edward R. Chapman, have considered the same and report:

The claimant was a private in Company A, Second Illinois Volunteers, and served from June 30, 1846, to June 18, 1847, in the war with Mexico. He is now a pensioner at \$8 per month under the law providing service pensions to the survivors of said war.

It appears from the testimony before your committee that the soldier is now about 70 years old, and has been so much disabled for the past eight years by chronic rheumatism as to be entirely incapacitated him for the performance of manual labor, and it further appears that his property consists of a small farm, worth about \$300 or \$400, and of \$200 worth of stock.

The bill is returned, recommending its passage, with an amendment fixing the rate of pension at \$16 per month.

The amendment recommended by the committee was agreed to.

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

FREDERICK E. KOLTER.

Mr. LAYTON. Mr. Chairman, I call up for consideration the bill (H. R. 6345) granting an honorable discharge to Frederick E. Kolter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby authorized and directed to grant an honorable discharge to Frederick E. Kolter (alias Frederick Kolter), of Wapakoneta, Ohio, late a musician in Company K, Thirty-seventh Ohio Volunteer Infantry, as of the date of February 7, 1862.

The report (by Mr. ROCKWELL) is as follows:

The Committee on Military Affairs, having carefully considered the bill (H. R. 6345) for the relief of Frederick E. Kolter, beg leave to report:

In the fall of 1861 said Kolter, then less than 15 years of age, ran away from home and followed the Thirty-seventh Regiment Ohio Volunteer Infantry (Col. E. Siber commanding) to West Virginia. November 4, 1861, he was enrolled, and December 7, 1861, was duly mustered in as a musician of Company K of said regiment.

On the 7th day of February, 1862, owing to his extreme youth and failure to give satisfaction as a drummer, he was sent home by said Col. Siber with the promise that his discharge would be forwarded to him. But for some reason or other, not appearing to your committee, no discharge was ever furnished.

Your committee find that he is justly entitled to an honorable discharge as of said date of February 7, 1862, and recommend the passage of the bill.

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

JOSEPH FORTIER.

Mr. LIND. Mr. Chairman, I call up for consideration the bill (H. R. 6508) granting a pension to Joseph Fortier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Fortier, late a private in Renville Rangers, company of Minnesota Militia Volunteers.

The report (by Mr. HARRIES) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 6508) granting a pension to Joseph Fortier and submit the following report:

The petitioner was a member of the Renville Rangers, Minnesota State Militia, commanded by Lieut. James Gorman, from August 15, 1862, to December 15, 1862, and was wounded in the left ankle in an engagement with the Sioux Indians at Fort Ridgely, Minn., August 20, 1862. These facts are shown by the petitioner's sworn statement and by the following evidence on file in the Pension Bureau with his claim No. 476999.

Dr. Alfred Muller, of New Ulm, Minn., testifies that he was an acting assistant surgeon, United States Army, at Fort Ridgely, Minn., and in charge of military hospital there from June 1, 1861, to February 1, 1867; that while there he became well acquainted with Joseph Fortier, a newly enrolled soldier, and that he was at said Fort Ridgely on the 20th of August, 1862, shot through the foot while in line of duty and helping to repulse an attack of the hostile Indians on said Fort Ridgely; deponent well recollects treating said Fortier for this wound at the hospital at Fort Ridgely.

Frank Stay, of Camp Release, Minn., testifies that he was a member of the Renville Rangers, and well knew Joseph Fortier, of that organization; was present with him in the battle with the Indians at Fort Ridgely, Minn., August 20, 1862, and personally knows that Fortier was on that day "wounded in said fight by being shot through his left ankle with a rifle ball."

In view of these facts your committee recommend the passage of the bill after being amended as follows:

In line 5, after the word "laws," insert the words "at a rate proportionate to the degree of disability from gunshot wound of left ankle."

The amendment recommended by the committee was agreed to.

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

GEORGE W. CLARK.

Mr. LONG. Mr. Chairman, I call up for consideration the bill (S. 3325) granting an increase of pension to George W. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of George W. Clark, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving.

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

JOHN HALLAM.

Mr. LYNCH. Mr. Chairman, I call up for consideration the bill (S. 1661) granting an increase of pension to John Hallam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hallam, late sergeant of Company D, United States Artillery, and pay him a pension at a rate of \$20 per month, in lieu of the pension he is now receiving.

The report (by Mr. BARWIG) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1661) granting an increase of pension to John Hallam, have considered the same and report:

Said bill is accompanied by Senate Report No. 840, this session, and the same fully setting forth the facts is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[Senate Report No. 840, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1661) grant-

ing an increase of pension to John Hallam, have examined the same and report:

John Hallam was a sergeant of Company D, United States Artillery, and he is now receiving a small pension. He is 77 years old, is nearly helpless, and entirely so for any purposes of mental or physical effort for his own support. He is very poor, has no resources whatever independent of his pension. The Senator who makes this report knows him well and can certify to his worthiness and to his helpless condition.

The bill gives him \$30 a month in lieu of the pension he is now receiving. The sum is little enough to supply him, in his age and poverty, with the most ordinary comforts; and in view of his condition the committee do not think it excessive liberality to concede him this sum during the remnant of his life.

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

The bill was ordered to be laid aside with a recommendation that it do pass.

JULIA HOOD.

Mr. MALLORY (when his name was called). Mr. Chairman, I call up the bill (H. R. 1096) granting a pension to Julia Hood. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place on the pension roll, subject to regulations and restrictions of the pension laws, the name of Julia Hood, of Louisville, Ky., late an army nurse, and pay her at this rate of \$12 a month.

The report (by Mr. TAYLOR of Tennessee) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1096) granting a pension to Julia Hood, submit the following report:

It appears from the affidavit of the claimant, Julia Hood, that she was employed as a nurse in hospital No. 5, at Louisville, Ky., from June 16, 1862, to August 8, 1862, and at No. 11 from October 10 to November 10, 1862, and that she has been for the past ten years an invalid and for three years confined to her bed, and entirely dependent upon her daughter for support.

The records of the War Department show that Mrs. Hood was on duty as nurse in No. 5 General Hospital, Louisville, Ky., during February, 1862, and also from about June 13, 1862, to August 8, 1862, and that Mrs. Julia Hood was on duty at No. 11 General Hospital from about October 17, 1862, to November 7, 1862; the dates of assignment and discharge do not appear of record.

Sallie M. Kirklighter and Mrs. Laura Macpherson, of Louisville, Ky., testify that they have known the petitioner for seventeen years, and known that she has no property nor income, but is entirely dependent on her daughter for support; that Mrs. Hood has been an invalid for ten years and confined to her bed for fully three years.

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

SAMUEL M. CAMPBELL.

Mr. MARTIN (when his name was called). Mr. Chairman, I call up the bill (S. 2593) granting an increase of pension to Samuel M. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Campbell, of Marion County, Ind., late a private in Company C, Seventh Regiment Indiana Volunteers, and to pay him a pension at the rate of \$30 per month, in lieu of the pension he is now receiving.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2593) granting an increase of pension to Samuel M. Campbell, have had the same under consideration and now submit the following report:

This act passed the Senate April 22, 1892. All the facts in the case are set out in the Senate report, which is as follows, to wit:

"The soldier enlisted as a private in the Seventh Indiana Regiment on the 4th day of September, 1861. He served until December 31, 1862, when he was discharged for disability incurred in the service, as shown by his discharge. He re-enlisted as a private in the Second Battery Indiana Light Artillery, and served until July 3, 1865, when he was again honorably discharged. He is now a pensioner at the rate of \$17 per month, and his claim for increase has been rejected by the Pension Bureau on the ground that he is now receiving the highest rate that can be technically allowed him for his disability.

"The soldier is 47 years old, and it appears from the evidence that his wife is an invalid, unable to work; that neither have any property; there are no children; the two are dependent upon the husband's pension for subsistence. The soldier is unable to do any kind of manual labor.

"It appears from the testimony of his comrades on file, and also from that of physicians, that he is now suffering from varicocele of the left side; also, that he has fistula of the rectum, one opening high up, from which there is a constant discharge. He has a rapid heart, which beats ninety to the minute; is partially blind in the left eye. He has a bronchial affection, an emaciated and haggard appearance. He is described as a physical wreck, and as suffering from total disability.

"Under the circumstances the committee think there ought to be an increase of the pension in this case to the rate of \$30 per month, and therefore report a bill for his relief and recommend its passage."

On further examination the Committee on Invalid Pensions find that an examination by the medical board at Indianapolis, October 23, 1890, was made showing his height to be 6 feet and his weight 150 pounds. The board rated him at four-eighths for varicocele of left side, two-eighths for varicocele of right side, six-eighths for disease of cords, seventeen-eighths for disease of rectum and piles.

An examination made by the board at Noblesville, Ind., September 9, 1891, shows his weight to be 138 pounds. His physical condition is stated to be as follows:

"Nutrition very poor; tongue, red, fissured, and pointed; throat highly congested; chest at rest, 34½ inches; suspension, 35½; expulsion, 33½; left chest wall, 18 inches; apex beat of heart 2 inches to right and 2 below left nipple; action very irregular, and intermittent, and weak, nervous, with mitral deficiency; dry crepitation in apex both lungs, with slight cavernous sounds in apex left lung, and bronchial rale in center of chest; there are 4 external piles inflamed; can not use speculum on account canal fissure; no varicocele at present in either cord or testicle, but there is atrophy of both testicles with thickening of cords; stomach very much disturbed and very tender upon pressure. Claimant is in such condition that he has no assurance of living six months, and we believe him to be wholly unable to per-

form manual labor, and recommend that he be placed on second grade, or \$30 per month."

The committee, believing this to be a meritorious case, submit a favorable report and recommend the passage of the bill.

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

WILLIAM C. TARKINGTON.

Mr. McCLELLAN (when his name was called). Mr. Chairman, I call up the bill (S. 2592) granting an increase of pension to William C. Tarkington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Tarkington, of Indianapolis, Ind., late captain and quartermaster in the volunteer service of the United States during the war of the rebellion, and to pay him a pension of \$30 per month, in lieu of the pension he is now receiving.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2592) granting an increase of pension to William C. Tarkington, of Marion County, Ind., have had the same under consideration and submit the following report:

Having carefully considered the evidence as set forth in the Senate report we adopt the same, as follows:

"The petitioner was appointed quartermaster and commissary of subsistence with the rank of captain by President Lincoln in August, 1861, and he remained in actual service upon the staff or under the orders of the various generals commanding during the war of the rebellion, as appears from his military record on file. Among these are Gens. Reynolds, Rosecrans, Banks, McClellan, and others.

"The petitioner is now a pensioner of the United States at the rate of \$20 per month, for disabilities incurred in the service. This is granted on account of 'chronic diarrhea and resulting piles, ulcer of the rectum, and stricture.' The petitioner shows that he is also suffering from severe catarrh and bronchitis, which he claims to have incurred in the service from exposure while in camp and upon the march. He has filed an application for increase in the Pension Bureau, but the same has not been allowed by reason of want of technical proof that these disabilities had their origin in the service.

"Your committee are of the opinion from the testimony on file, and especially from the statements of physicians included in it, that this catarrh and bronchitis did both originate from causes occurring during the military service of the petitioner; and we think also, from the statements of his friends, and his two physicians, Drs. Cline and Maxwell, that these two disabilities very much unfit him for any labor, and that they have become chronic and incurable.

"The petitioner is 75 years old; he has no means of support except his pension.

"Your committee, therefore, report the accompanying bill, increasing his pension to \$30 per month, and recommend its passage."

The medical evidence referred to in the foregoing Senate report is as follows:

Dr. Allison Maxwell, of Indianapolis, a physician of fourteen years' practice, testifies at the time of filing the claim for increase as follows:

"I have examined Mr. W. C. Tarkington and have prescribed for him from time to time, and know that he has suffered from chronic diarrhea contracted in the Army, and that he is physically unable to perform any manual labor by reason of the diarrhea and its concomitant symptoms. My opinion is that he has no other disease which separately or in conjunction with the bowel trouble causes this weakness."

Dr. C. N. Metcalf, of Indianapolis, a practicing physician of seventeen years' standing, testifies as follows:

"I have been personally acquainted with Capt. W. C. Tarkington for several years and have frequently noticed his debilitated physical condition. I have examined him and found him suffering with chronic diarrhea, contracted in the Army; also find that he is physically unable to perform manual labor, the result of diarrhea and its accompanying symptoms. It is my opinion that he has no other trouble aside from the bowel difficulty which causes his weakness and debility."

The claimant is over 75 years old and very feeble. His disabilities are constantly growing worse and, as appears from the evidence, he is totally incapacitated for the performance of any kind of manual labor.

The committee, therefore, believing this to be a meritorious case, submit a favorable report and recommend the passage of the bill.

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

DAVID R. WALLACE, DECEASED.

Mr. MCKAIG (when his name was called). Mr. Chairman, I call up the bill (H. R. 8106) for the correction of the army record of David R. Wallace, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the army record of David R. Wallace, deceased, late lieutenant Company I, Eighth Regiment Ohio Infantry, so as to show him to have been honorably discharged.

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

REBECCA M. YOUNGBLOOD.

Mr. MCRAE (when his name was called). Mr. Chairman, I call up the bill (H. R. 6511) to pension Rebecca M. Youngblood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place on the pension roll the name of Rebecca M. Youngblood, of Gurdon, Ark., widow of Henry Mitchell Youngblood, who was a soldier in Capt. Richard Sloan's company, First Regiment Drafted Georgia Militia, Indian war, 1838, and pay her a pension of \$12 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6511) granting a pension to Rebecca M. Youngblood, have considered the same and report:

The claimant's late husband, under the name of Mitchell (or Michael) Youngblood, as shown by the report of the War Department, served in Capt.

Richard Sloan's company, First Regiment Drafted Georgia Militia, from June 4 to July 16, 1836, and was paid for one month and twenty-five days.

Mrs. Youngblood is shown by the testimony of T. E. Conn and Alvin Pry, citizens of Clark County, Ark., to be about 75 years old, in feeble health, with no property or income, and dependent upon the husband of a granddaughter for support, and he has a family to maintain on wages of \$1.25 per day. The passage of the bill is respectfully recommended.

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

HONORA SHEA.

Mr. MEREDITH (when his name was called). Mr. Chairman, I call up the bill (H. R. 1783) granting a pension—

Mr. O'NEILL of Missouri. Mr. Chairman, as there is an adverse report on this bill, I ask to have it read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Honora Shea, mother M. J. Shea, of Company H, Fifth United States Artillery.

Mr. KILGORE. Mr. Chairman, I wish to ask the gentleman whether that bill is on the Calendar.

Mr. O'NEILL of Missouri. I think so.

Mr. KILGORE. If the report was adverse the bill could not go on the Calendar.

The CHAIRMAN. The Chair is informed that this bill is not on the Calendar.

Mr. O'NEILL of Missouri. Well, if the gentleman will permit me to make a statement in regard to the bill, I do not think he will make any point of order or any objection after he hears my statement.

Mr. KILGORE. But the committee have made an adverse statement.

Mr. O'NEILL of Missouri. As to this bill being on the Calendar, it was reported over a week ago by the Committee on Invalid Pensions and, having been reported to the House, I suppose it should be on the Calendar.

Mr. KILGORE. But the report was adverse.

Mr. O'NEILL of Missouri. That is immaterial; it was a report to the House and it ought to be on the Calendar. If the gentleman will let me make a statement about this bill I do not think he will object.

Mr. KILGORE. I want to say to the gentleman that whatever statement he may make I will not agree to the passage of this bill with an adverse report. I am willing to hear his statement after making that declaration.

Mr. O'NEILL of Missouri. I withdraw the bill temporarily, Mr. Chairman.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that under the order made by unanimous consent the right to call up bills was limited to those on the Calendar.

Mr. O'NEILL of Missouri. Well, this ought to be on the Calendar because it was reported to the House.

The CHAIRMAN. Under the rule, bills adversely reported are not placed upon the Calendar.

Mr. HULL. But, Mr. Chairman, the committee did pass a bill awhile ago that had been adversely reported and was not on the Calendar, and attention was called to it at the time.

The CHAIRMAN. No point was made against that bill.

D. M. LANG.

Mr. MOSES (when his name was called). Mr. Chairman, I call up the bill (H. R. 2395) granting a pension to D. M. Lang.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. M. Lang, of Decatur County, Ga., late a private in Capt. McKeiver's company of Col. Bailey's regiment of Florida volunteers in the war of 1836, at the rate of \$8 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2395), granting a pension to D. M. Lang, have considered the same and report as follows:

The muster roll of Capt. Alexander McIver's company, Florida Mounted Militia, shows D. M. Lang, private, enrolled November 30, 1839, for four months, and discharged with company at Tallahassee, Fla., March 30, 1840.

In an application filed at the Pension Bureau April 3, 1883, Mr. Lang, alleged that while on a scout in pursuit of the Indians during said service he was thrown from his horse, and in the fall his ankle was thrown out of place and three or four ribs were broken.

The claimant's allegations were supported by the testimony of Madison Lott and A. J. Miller, citizens of Gadsden County, Fla., who served in the same company and regiment, and medical evidence was submitted showing that for many years he had been a sufferer from dislocation of ankle, fracture of ribs on right side, and complete scrotal hernia, all of which were attributed to the fall received in the service as above stated.

The claim was rejected by the Pension Bureau, however, it appearing that the applicant rendered service in the Confederate States army during the late war. The proof accompanying the application at the Pension Office showed that his Confederate service was not voluntary, but was the result of conscription; but notwithstanding this fact the ground of rejection was "disloyalty."

The records show that in addition to the above service Mr. Lang served out two prior terms of enlistment in the Indian war.

Your committee had before them the testimony of two citizens of Decatur

County, Ga., to the effect that owing to old age and feeble physical condition Mr. Lang is unable to support himself by manual labor, and that he is a very poor man.

It appears from information obtained from his pension application that Mr. Lang is now about 75 years old.

There are many precedents for the proposed legislation, and your committee have at this session reported a general bill under which this claimant would be a beneficiary at the rate of pension fixed by this bill.

The passage of the bill is recommended.

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

HONORA SHEA.

Mr. O'NEILL of Missouri. Mr. Chairman, I desire to ask that the bill (H. R. 1783) granting a pension to Honora Shea, called up awhile ago by the gentleman from Virginia [Mr. MEREDITH], may be recommitted to the committee.

The CHAIRMAN. That order can not be made in Committee of the Whole. It can, however, be made in the House after the committee rises.

STERLING KINGSLEY.

Mr. OTIS (when his name was called). Mr. Chairman, I call up the bill (H. R. 2396) granting a pension to Sterling Kingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sterling Kingsley, of Brooks County, Ga., late a private in Capt. Johnson's company from Leon County, Fla., in the Indian war of 1836, at the rate of \$8 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2396) granting a pension to Sterling Kingsley, have considered the same, and report:

The records of the Second Auditor's Office, Treasury Department, show that the claimant served from March 29, 1839, to June 20, 1839, in Capt. I. H. Byrd's company, Seventh Regiment, First Brigade, Florida Mounted Volunteers, Florida Indian war; also that he served from July 20, 1839, to November 21, 1839, in Capt. James B. Johnson's company, Florida Mounted Militia, in the same war.

On February 25, 1838, he filed an application at the Pension Bureau declaring that while serving as above he incurred rupture of right side and blind piles from hard riding; also that about the same time he incurred impaired sight and hearing caused by exposure and hardships incident to the service.

Some testimony was submitted in support of his claim, but not sufficient to meet the requirements of the Pension Bureau, and the applicant now swears he can furnish no more. He further swears that owing to old age and infirmity he is not able to labor sufficiently to support himself and his afflicted wife who has been unable to walk for nineteen years; also that he has no means of support except a small farm and hired help. He is now about 77 years old.

A petition, signed by thirteen citizens of Brooks County, Ga., recites that the claimant is old, feeble, and unable to make a living for himself and helpless wife; also, that he has not the means to support himself without his labor, a small farm and hired labor being his only source of support.

Your committee recommend that the bill be amended so as to spell the claimant's name "Sterling Kingsley," and to change the date of the war in which he served to "1839," and that the bill do pass as so amended.

The amendments recommended in the report were agreed to.

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

PHILIP G. DUNN.

Mr. OWEN (when his name was called). I call up the bill (H. R. 4023) granting a pension to Philip G. Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, empowered and directed to place on the pension roll the name of Philip G. Dunn, late a private in Company C, Third Regiment Louisiana Volunteers, old war, and that he be rated at \$12 per month from January 29, 1887.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4023) granting a pension to Philip G. Dunn, have considered the same and report:

The claimant was a private in Company C, Third Louisiana Volunteers, and served from May 10 to August 17, 1846, in the war with Mexico. He filed an application May 10, 1887, under the Mexican war service-pension act of January 29, 1887, and the same was allowed August 5, 1887, at \$8 per month.

Subsequently (on July 6, 1889) he filed an application at the Pension Office alleging that at Fort Brown, opposite Matamoras, Tex., he incurred injury of abdomen, right shoulder, hip, head, and breast by being run over by a runaway team while on duty. The records of the War Department fail to show the alleged injury, and the claimant has declared that by reason of his inability to find his officers and comrades he is unable to furnish the evidence necessary to prove his invalid claim.

The claimant was examined by the Plattsmouth, Nebr., board of examining surgeons, April 23, 1890, and they certified that he was 71 years old and a sufferer from an injury of left hand, nervous tremor, impaired vision, and general debility. His disabilities are attributed by the board mainly to his advanced age.

The gentleman who introduced the bill in the House certifies that Mr. Dunn is wholly incapacitated by mental and bodily infirmities from doing work of any kind by which to support himself; also, that he has no property aside from a small home.

Your committee recommend that the bill be amended so that its title will read: "A bill granting an increase of pension to Philip G. Dunn;" also by striking out, in lines 7 and 8, the words "from January 29, 1887," and inserting in lieu thereof the words "said amount to be in lieu of the pension now drawn by him."

And your committee further recommend that the bill do pass as so amended.

The amendments recommended in the report were adopted.

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

GEORGE E. BOWEN.

Mr. PAGE of Rhode Island. I call up the bill (H. R. 6276) to authorize the Secretary of War to remove the charge of desertion as to George E. Bowen, late of Company E, Sixteenth Massachusetts Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charges of desertion from the records of the War Department as to George E. Bowen, late of Company E, Sixteenth Regiment Massachusetts Volunteer Infantry.

The report (by Mr. CROSBY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6276) to authorize the Secretary of War to remove the charge of desertion as to George E. Bowen, late of Company E, Sixteenth Massachusetts Volunteers, having examined the same, recommend that the bill pass.

The records in the War Department show that this soldier enlisted on the 15th day of October, 1864, and was mustered into the service on the said 15th day of October for three years. The records in the adjutant-general's office for the State of Massachusetts show him to have been killed at the second battle of Bull Run on the 29th day of August, 1862.

As a matter of fact, instead of being killed, he was taken prisoner at this battle, and afterwards paroled and went to Columbus, Ohio, where he remained until the close of the war. He did not reënter the service, as he was told by the Government officers that he need not return until he was exchanged. He appears to have acted in good faith and without any desire to abandon the service.

Upon the evidence presented the committee recommend that the bill do pass, with the following amendment. Add at the end of the bill the following words:

Provided, however, That no pay or emoluments shall become due by reason of the passage of this act."

The amendment reported by the committee was agreed to:

The bill as amended was laid aside to be reported favorably to the House.

MARGARET M. RICE.

Mr. PARRETT. I desire to call up the bill (S. 2187) granting a pension to Margaret M. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret M. Rice, surviving widow of Charles Rice, deceased, late a private in Company D, Fifty-first Ohio Volunteer Infantry, and pay her a pension of \$12 per month.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2187) granting a pension to Margaret M. Rice, have had the same under consideration and now submit the following report:

This bill passed the Senate April 13, 1892. Accompanying the same is the report of the Senate committee, embracing the evidence submitted, and which is as follows, viz:

"The Committee on Pensions, to whom was referred the bill (S. 2187) granting a pension to Margaret M. Rice, of Frankfort, Clinton County, Ind., have examined the same and report:

"The claimant is the widow of Charles Rice, now deceased, late a private in Company D, Fifty-fifth Regiment Ohio Volunteers, in the war of the rebellion, 1861.

"After the death of her husband, which occurred near the time of the close of the war, she was granted a pension on account of his military service, and continued to receive the pension for five or six years, until the 7th day of May, 1870, at which time she was married to one Nathan Diebert, at Frankfort, aforesaid, from which time her pension ceased on account of said marriage.

"The said second husband proved to be an unworthy, irresponsible man, who failed to provide for his family, and at last deserted his wife, this claimant. Then the wife instituted proceedings for divorce, which was granted to her on account of said desertion, and as a part of the decree it was ordered that she might resume the name of her first husband, and she is now known as Margaret M. Rice, widow of Charles Rice, deceased, as aforesaid.

"There were no children by the second marriage. The claimant is over 50 years old, and has little or no property or means of support. The effect of the present bill is to restore her to the pension roll on account of the military service of her deceased husband. Precedents for this kind of action on the part of Congress are very numerous, and we think this a case in which the relief ought to be granted.

"Your committee therefore recommend the passage of the bill."

The Committee on Invalid Pensions, believing this to be a meritorious case, submit a favorable report and recommend the passage of the act.

The bill was laid aside to be reported favorably to the House.

CHARLES B. STEWARD.

Mr. PATTON. I call up the bill (H. R. 6982) to remove the charge of desertion from the name of Charles B. Steward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the charge of desertion to be removed from the record of Charles B. Steward, who, under the name of Edwin S. Button, served in Company H, Seventeenth Regiment New York Volunteers; also, under the same name in Company M, Fifth Regiment New York Heavy Artillery; and cause to be issued to said Charles B. Steward an honorable discharge.

The report (by Mr. PATTON) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6982) for the removal of the charge of desertion from the name of Charles B. Steward, have had the same under consideration and submit the following facts and recommendations:

From the records of the War Department it appears that Charles B. Steward, under the name of Edwin S. Button, was enrolled in Company H, Seventeenth New York Volunteers, on May 3, 1861, to serve two years; that he served faithfully until June 2, 1863, when he was mustered out of service with his command by reason of expiration of term of enlistment; that he again enlisted December 30, 1863, under same name, in Company M, in the Fifth New York Heavy Artillery, to serve three years; that he served faithfully until November 10, 1864, when he is reported to have deserted.

From evidence submitted it appears that on October 20, 1864, the soldier being sick, was furloughed for thirty days, and that he went to his home, where his health failed to improve, and being under the care and treatment of his family physician, he requested said physician, who is now dead, to report his condition to his officers, which he thought was done. But subsequent facts fail to show that this report was ever made, and after the expiration of said furlough he was marked as a deserter.

The soldier not recovering his health sufficiently to return to service, and not wishing to go to a hospital, remained at home ignorant of the charge that had been entered against him until his command was mustered out of service July 19, 1865.

These facts being fully proven by numerous affidavits of persons who were intimately acquainted with the circumstances covering the entire period of absence of the soldier, verified by his own sworn statement, the soldier's faithful service extending over a period of three years, with the facts and evidence herewith submitted, we recommend the following amendment to the bill: "*Provided*, That no pay or allowances become due by virtue of this act," and when so amended it do pass.

[General Headquarters, State of New York, Adjutant-General's Office.]

BUREAU OF RECORDS OF THE WAR OF THE REBELLION,
Albany, June 15, 1891.

The records of this office show that one Edward S. Button, a private of Company H, Seventeenth Regiment of Infantry New York Volunteers, enlisted on the 24th day of May, 1861, to serve for the period of two years; that he was mustered in the service of the United States on the 24th day of May, 1861, and that he was honorably discharged and mustered out from that service on the 2d day of June, 1863, with company.

By the direction of the adjutant-general of the State,

FRED. PHILSTERER,
Colonel and Chief of the Bureau.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

PLEASANT R. ISRAEL.

Mr. PEARSON. I ask to call up the bill (H. R. 4049) for the relief of Pleasant R. Israel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Pleasant R. Israel, late private in Company C, First Regiment Indiana Volunteers, in the war with Mexico, and pay him the sum of \$20 per month, in lieu of the pension now received by him.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4049) granting an increase of pension to Pleasant R. Israel, have considered the same and report:

The claimant was a private in Company C, First Indiana Volunteers, and served from June 20, 1846, to December 17, 1846, in the war with Mexico. He is now pensioned at \$8 per month on account of said service.

Dr. David Adams, of Edinburg, Ind., testifies that the claimant is badly afflicted with asthma, bronchitis, and disease of the bowels, and that by reason thereof he is weak and emaciated and wholly incapacitated for the performance of manual labor. The doctor further testifies that the claimant's wife is also in such a bad condition of health as to be unable much of the time to aid the claimant by looking after their household affairs.

Alexander Bruce and Thomas B. Forelander, citizens of Johnson County, Ind., testify that the claimant has no means of support other than his small pension, and that from age and bodily ailments he is wholly unable to support himself by manual labor. It appears that the claimant is now about 66 years old.

In view of the above facts, your committee recommend that the bill do pass, with an amendment fixing the rate of pension at \$12 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be reported favorably to the House.

HARRIET COTA.

Mr. PENDLETON. I call up the bill (H. R. 9233) to grant a pension to Harriet Cota.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Harriet Cota, permanently helpless daughter of John S. Cota, late a private of Company H, One hundred and sixth New York Volunteers, and pay her a pension at the rate of \$12 per month.

The report (by Mr. CURTIS) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 9233) granting a pension to Harriet Cota, and submit the following report:

The petitioner is the daughter of John S. Cota, who served in Company H, One hundred and sixth New York Volunteers, from August 20, 1862, until he died October 10, 1864, of wounds received in action, as shown by records of the War Department.

It is shown that she has no property or means of support whatever; that she is supported by an uncle, her mother's brother, and that her mother died in 1860; that the petitioner is partially paralyzed and has been an invalid since she was 2 years old, she being now 33 years of age.

These facts are shown by testimony of John B. Lewis, Corydon Person, and Smith S. Thomas, the petitioners' uncle. Dr. D. W. Finneman, of Potsdam, N. Y., testifies that the petitioner is now a paralytic, having suffered from a shock which affected the left side of face, right arm, and left leg; right arm much atrophied, $\frac{3}{4}$ inches difference at biceps. In walking she is liable to fall, due to weakness of left leg and foot. It is impossible for her to do any kind of work.

The soldier's widow, his second wife, was pensioned from the date of his death until January 28, 1868, when she married John Shaw. This petitioner and a son, John, were then pensioned until each attained the age of 16 years, which, in the case of John, the younger, was January 15, 1879, since which date no pension has been paid.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

E. DARWIN GAGE.

Mr. RAINES. I call up the bill (H. R. 9366) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize E. Darwin Gage as lieutenant-colonel of the One hundred and forty-eighth Regiment of New York Volunteer Infantry, and to amend the records of said regiment so as to show said Gage to have been lieutenant-colonel thereof from October 16, 1864, the date from which he was commissioned to take rank, to October 27, 1864, the date on which he was killed in action at Fair Oaks, Va., said Gage having actually discharged the duties of lieutenant-colonel of said regiment for the period above specified.

The bill was laid aside to be reported favorably to the House.

ELLEN HEWETT.

Mr. REILLY. I desire to call up the bill (H. R. 4047) granting a pension to Ellen Hewitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Hewitt, mother of Frank Hewitt, late of Company K, Eleventh Ohio Volunteer Cavalry, at the rate of \$12 per month.

The report (by Mr. PEARSON) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 4047) granting a pension to Helen Hewett, mother of Frank Hewett, and submit the following report:

It is shown by the records of the War Department that John F. Hewett enlisted in Company K, Eleventh Regiment Ohio Cavalry, June 1, 1864, and "died June 2, 1866; cause, poisoned; suicide," and the mother's claim has been rejected by the Pension Bureau on the ground that the soldier's death was not incurred in line of duty.

Dr. J. G. Riddler testifies that he was in charge of the United States general hospital at Fort Laramie in 1865 and 1866, and that he was called to treat Frank Hewett, of Company K, Eleventh Ohio Cavalry, who had taken a large dose of tincture of opium with suicidal intent, and who died from the effect of the poison; that Hewett had no cause for suicide, as he was a favorite with men and officers, and it is affiant's opinion that he was mentally deranged, basing his opinion on his suicidal mania and his reputation for eccentricity.

Mrs. Hewett states under oath that she is the mother of John Franklin Hewett; that she is 78 years of age, has no property nor means of support, and is wholly dependent upon distant relatives; that the soldier was born February 4, 1844, and never was married to her knowledge.

James A. Baumgartner and Stephen Glass testify that the claimant is the mother of the soldier, and that she has no property or means of support.

No claim for pension has ever been filed on account of this soldier except by this claimant, his mother.

Because of soldier's death in service from suicide, presumably due to mental derangement, and the mother's present dependence, your committee return the bill with the recommendation that it do pass, after being amended by striking out the word "Hewitt" in the title of the bill and also in two places in line 6, and inserting in lieu thereof the word "Hewett" in each place.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

SOPHIA KAGWAICH.

Mr. ROCKWELL. I call up the bill (H. R. 8498) to pension Sophia Kagwaich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Sophia Kagwaich, mother of Samuel Kagwaich, alias Kagnatz, late private in Company K, First Regiment Michigan Sharpshooters, at the rate of \$15 per month.

The report (by Mr. BUTLER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8498) granting a pension to Sophia Kagwaich, submit the following report: Sophia Kagwaich is the mother of Samuel Kagwaich; the parties are Indians, and the name is variously spelled. The soldier, Samuel Kagwaich, enlisted June 15, 1863, in Company K, First Michigan Sharpshooters, received a gunshot wound at Petersburg, and in July, 1864, he was in hospital at Philadelphia, and being able to move about was granted a pass to go about the city, and was run over and killed by the cars in that city August 3, 1864, and according to the newspaper report of the coroner's verdict, which the Pension Bureau followed, he was intoxicated when killed. The claimant's application for pension was denied, and she appealed to the Assistant Secretary of the Interior, and rejection was affirmed.

The mother is a widow, nearly 80 years old, supported by charity or by the public.

In view of the fact that the soldier died in service, and more especially as he was killed while a patient at the hospital because of wounds incurred in service, your committee recommend that the bill do pass, after being amended by inserting in line 4, after the word "rolls," the words "subject to the provisions and limitations of the pension laws," and by striking out all the words after the word "Sharpshooters," in line 8.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be favorably reported to the House.

SARAH COWGILL.

Mr. SEERLEY. I call up the bill (H. R. 6330) to pension Sarah Cowgill, hospital nurse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah Cowgill, a hospital nurse in the employ of the United States Christian Commission during the late war of the rebellion, and to pay her a pension at the rate of \$12 per month.

The report (by Mr. BUTLER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6330) granting a pension to Sarah Cowgill, submit the following report:

The faithful service of the beneficiary of this bill, as a nurse in the actual care of the sick and wounded soldiers during the war of the rebellion, is fully attested by affidavit of Mrs. Annie Wittenmyer. The services thus attested, and for which this pension is asked, continued more than twelve months and were rendered in the following hospitals: Chattanooga, Tenn., Sedgwick and Foundry Hospitals, Louisville, Ky., and the floating hospitals near New Albany, Ind.

Said service was rendered under regular commission from the United States Christian Commission.

The evidence further shows that Sarah Cowgill is now past 66 years of age and dependent on others for support.

Your committee deems the case a worthy one and report the bill with the recommendation that it do pass.

The bill was laid aside to be favorably reported to the House.

JOHN M. ROBERTS.

Mr. SIMPSON. I desire to call up the bill (S. 317) granting an increase of pension to John M. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Roberts, and pay him a pension of \$40 per month, in lieu of the pension he is now receiving.

The report (by Mr. MARTIN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 317) granting an increase of pension to John M. Roberts, have considered the same and submit the following report:

The facts in this case are fully set forth in the Senate report, which is as follows:

"The beneficiary in said bill is John M. Roberts, who is a resident of Osgood, Ripley County, Ind., and who was late a private in Company F, Eighty-third Regiment Indiana Volunteer Infantry, in the war of the rebellion in 1861. He enlisted August 15, 1862, and was discharged at Indianapolis, on the 26th of October, 1864, on account of disability, the result of a wound received in battle with the enemy. He was struck by a ball which went clear through his body. He was color guard, and was wounded in this way, while facing the enemy, in his place and in the line of duty. This occurred at Vicksburg, Miss., on the 19th of May, 1863. The ball weighed 11 ounces and was extracted on the 10th day of June, at Memphis, Tenn. After a partial recovery from this wound he rejoined the regiment and remained with it, although not able for active duty, until his discharge as above stated.

"The wound never healed, and internal abscesses have since been continually forming and breaking. The claimant is wholly broken in health. The sworn statement of the physician, dated May 16, 1892, certifies that the claimant "is suffering from a severe gunshot wound through the upper abdominal region in the right side, with evidences of severe abscesses of the liver resulting therefrom. The upper portion of the liver was undoubtedly penetrated by the ball. He suffers constant pain and is unable to perform any manual labor whatever."

"The claimant is now drawing a pension of \$30 per month. His claim for increase has been rejected by the Bureau of Pensions on the ground that he was already drawing as high a rate as the technical rules of allowance permit, there being no fixed rate and no equivalent for a wound through the body. The claimant is now 60 years old, in narrow circumstances, unable to work for a livelihood, with a family of six children, some of whom are yet dependent upon him for support, with no certain means of income except his pension.

"We are therefore of the opinion that there ought to be somewhat of increase granted in this case.

We recommend that the bill be amended, as follows: Strike out all after the word "Roberts," in lines 6 and 7 of the bill, and insert the following words: "and pay him a pension of \$40 per month, in lieu of the pension he is now receiving," and when so amended we recommend the passage of the bill.

The Committee on Invalid Pensions of the House concur in the Senate report, and recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

BENAJAH MORGAN.

Mr. SMITH of Illinois. I desire to call up the bill (H. R. 7713) granting a pension to Benajah Morgan, late private in Capt. Burn's company, Third Regiment, Third Brigade, of Mounted Volunteers in the Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Benajah Morgan, late a private in Capt. James Burn's company, Third Regiment, Third Brigade, of Mounted Volunteers in the Black Hawk war, and grant him a pension of \$50 per month.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7713) granting a pension to Benajah Morgan, have considered the same and submit the following report:

The records of the War Department show that the claimant was mustered into the service of the United States June 21, 1832, as private in Capt. James Burn's Company, Third Regiment, Third Brigade, Mounted Illinois Volunteers in the Black Hawk war, and that he was mustered out of service August 17, 1832.

It appears that the claimant is now about 75 years old, wholly blind in one eye and nearly so in the other, and that his general physical condition is very poor. Also that he is in very indigent circumstances, having no means of support. The facts are shown by the sworn statements of the claimant and by testimony of Dr. C. C. Grizzell, B. W. Morgan, and Asa Morgan, citizens of Jackson County, Ill.; also by a petition signed by a large number of citizens of the same county.

Your committee recommend that the bill be amended by striking out the word "fifty" in line 8 and inserting in lieu thereof the word "twenty," and that as so amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be favorably reported to the House.

CAPT. HENRY S. LA TOURRETTE.

Mr. SNOW. I call up the bill (H. R. 5972) to increase the pension of Capt. Henry S. La Tourrette, late a captain in Company G, Eighty-fifth Regiment Illinois Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the pension allowed to Capt. Henry S. La Tourrette, late a captain of Company G, Eighty-fifth Regiment of Illinois Volunteer Infantry, by pension certificate No. 59217, be, and the same is hereby, increased to the sum of \$45 per month, and be paid as other pensions are now paid.

The report (by Mr. SNOW) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5972) granting a pension to Henry S. La Tourrette, submit the following report:

Capt. La Tourrette served in Company G, Eighty-fifth Regiment Illinois Volunteers, from January 21, 1863, to July 1, 1865; he lost his right arm by amputation above the elbow in service, and for this disability he is now drawing a pension of \$36 per month. His application for increase to \$45 per month, under act of August 4, 1886, on the ground that the stump of his arm was so short as to prevent the use of an artificial limb, was rejected February 24, 1892. The certificate of examination by a board of surgeons February 12, 1892, shows that—

"The right arm has been amputated through the middle third. From the acromion process to the end of the bone of stump is 8 inches. * * * the stump is well covered with flesh and there are no neuromata (nerve tumors) or painful points. The muscles of the right shoulder and those covering the stump are greatly wasted. It seems that so far as mere length is concerned there is sufficient room for the attachment of an artificial arm. Owing to the wasting and weakness of the muscles of the stump he is unable to raise it from the side but a little way, and then only by raising the scapula and all the muscles of the shoulder. An artificial arm would be, therefore, merely an ornamental appendage, and of no practical utility. In other words, he can wear an arm, but not use it. We do not feel justified in increasing rate."

The rule of the Pension Bureau is not to grant the \$45 rate where the stump is more than half the length of the entire bone from shoulder to elbow, which in this case is 14 inches, and as the stump is 8 inches in this case it is too long to allow the increased rate.

The claimant presents a written statement, and also stated verbally to your committee that while in the service at Nashville, Tenn., he got a fall which put his left elbow joint out of place; that this elbow is crooked and weak; that rheumatism set in, in the shoulder and elbow and down his back; at times he is unable to get out of his chair without help, also that he is hard of hearing, as a result of concussion from the firing of cannon in the service; that he has a wife, two widowed daughters, and three grandchildren in part dependent on him for support, and that he has no means of support besides his pension.

It is proper to add that no claim for pension has ever been filed in the Bureau on account of any disability besides loss of right arm, and there is no evidence at hand except the claimant's statement as to the origin in service of any other disabilities, and there is nothing to show the degree of disability from such causes. It is true, however, that if it should be proved to the satisfaction of the Pension Bureau that these disabilities originated in the service, relief could not be granted under the general law, for the reason that there is no intermediate rate between \$30 and \$72 per month, and the combined disabilities are not such as to entitle him to the maximum rate of \$72.

From all the evidence in this case it would seem that while the condition of the applicant's arm is not such as to bring him strictly within the provisions of the act of August 4, 1886, inasmuch as the amputation is not so near the shoulder joint as to prevent the use of an artificial limb, yet there are present other conditions which render it impracticable to use if not to wear an artificial arm; this, together with the fact that there exists also a disability in the left arm which is alleged to have been due to service, entitles the claimant to favorable consideration, inasmuch as the Pension Bureau can afford no additional relief.

Your committee therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

JAMES C. JENNINGS.

Mr. SPERRY. I call up the bill (H. R. 8574) granting an honorable discharge to James C. Jennings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to James C. Jennings, of South Willington, Conn., late a private in Company D, Eighth Connecticut Volunteers.

The report (by Mr. PATTON) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8574) for the removal of charge of desertion from the name of James C. Jennings, late a private in Company D, Eighth Connecticut Volunteers, have had the same under consideration, and submit the following report:

It appears from the records of the War Department that the said soldier enlisted in Company D, Eighth Connecticut Volunteers, on September 21, 1861, to serve three years. That on December 24, 1863, he enlisted as a veteran in the same company and regiment at Norfolk, Va., to serve three years. Regimental returns report him present for duty until May, 1864, when he is reported absent in hospital at Washington, D. C., and same report appears on succeeding rolls up to December 12, 1865, which was the date of muster out of company. The medical records report him as follows:

"Received a gunshot wound of toe in battle. Toe amputated. To field hospital Eighteenth Army Corps, Cold Harbor, Va., June 7, 1864, with wounded foot. Was admitted to Harewood General Hospital, Washington, D. C., June 10, 1864, with gunshot wound of left foot—the third toe amputated—wounded at Cold Harbor June 5, 1864. Was transferred June 18, 1864, General hospital, Davis Island, New York Harbor, and furloughed July 8, 1864, after which he did not return, and was never mustered out of service."

It appears from affidavits of several witnesses that he went to his home and was sick and on crutches and unable to return until after his command was mustered out of service.

The records of the command to which he belonged properly account for him as in line of duty from time of enlistment, September 21, 1861, to date of furlough, July 8, 1864. Length of furlough not stated.

The evidence of several neighbors serves to show conclusively that the soldier was never after able to return to duty.

Your committee therefore recommend that the bill do pass.

Case of James C. Jennings, late private, Company D, Eighth Connecticut Volunteers.

RECORD AND PENSION DIVISION, June 1, 1893.

It appears from the records that James C. Jennings was enrolled as a corporal in Company D, Eighth Connecticut Volunteers, September 21, 1861, to serve three years.

He is borne on the muster rolls of the company from date of enrollment to February 23, 1862, as a corporal, without remark as to presence or absence; on the roll for March and April, 1862, corporal, present; on rolls for May and June, and July and August, 1862, sergeant, present; on roll for September and October, 1862, private, present. "Reduced to private October 27, 1862;" and thenceforward to December 31, 1863, as a private, present. The roll for November and December, 1863, reports him, "mustered out near Portsmouth, Va., December 23, 1863, by virtue of reenlistment as a private."

He reenlisted as a veteran volunteer December 21, 1863, at Norfolk, Va., to serve three years. The company muster rolls for January and February, and March and April, 1864, report him, "a private, present;" roll for May and June, 1864, "private, absent in hospital, New York;" and that for July and August, 1864, "private, absent, wounded, in hospital at Washington, D. C.," the same report appears on succeeding rolls up to December 12, 1865, date of muster out of the company.

There is no individual or detachment muster-out roll in his case on file.

The medical records report him as follows: "Received a severe gunshot wound of toe (toe amputated) in battle; between May 18, and July 1, 1864, was admitted to field hospital, Eighteenth Army Corps, Cold Harbor, Va., June 7, 1864, with wound of foot (disposition not stated); was admitted to Harewood General Hospital, Washington, D. C., June 10, 1864, with gunshot wound, left foot, amputation third toe; wounded at Cold Harbor, June 5, 1864, and transferred June 16, 1864; was admitted to De Camp General Hospital, Davis Island, New York Harbor, June 18, 1864, with gunshot wound left foot, and furloughed July 8, 1864." There is no evidence of his return from furlough, and no "certificate of inability to travel" on file.

In January, 1865, the soldier made application for an honorable discharge, and in an affidavit dated January 24, 1865, declared: That he was wounded at Cold Harbor and sent north to Jersey City; "strayed off" and missed the train for New Haven; was sent to Davis Island, New York Harbor, and from there to the Williams Street Hospital at Elmira, and was discharged by a general order from Washington, D. C., on or about the 20th April, 1865, and subsequently lost his surgeon's certificate of discharge.

(The records of hospitals at Elmira, N. Y., from July, 1864, to April 20, 1865, afford no information in the case.)

On the 16th September, 1865, the soldier was informed, through his attorneys, that his physical inability to return to his regiment from August 8, 1864, date of expiration of furlough from hospital, to December 12, 1865, date of muster out of his company, must be established; and also that there was no record of his alleged discharge in April, 1865.

On the 17th of March, 1890, the following additional testimony was presented:

(a) Affidavit, dated March 1, 1890, by Daniel W. Tracy, aged 50, who declared: That he had been acquainted with the applicant for over thirty years and knew that he was at home, sick and obliged to use a crutch and cane, in the latter part of 1864, and, to best of his (affiant's) judgment and belief, was not able to return to duty.

(b) Affidavit, dated March 3, 1890, by John Drew, aged 42, who testified: That he had been acquainted with applicant since boyhood, and recollected his return to Preston, Conn., wounded; that the soldier was at home quite awhile, and in affiant's opinion, was not able to return to duty. Affiant added that the time referred to was about the fall of 1864, and that he thought applicant was at home when his company was mustered out.

(c) Affidavit, dated February 28, 1890, by James Drew, aged 61, who stated: That he had known applicant between thirty and forty years, and recollected his coming home wounded, in or about September, 1864, and his remaining there a long time, unable to return to duty.

On the 21st of the same month the attorneys in the case were informed that the testimony submitted was deemed insufficient to warrant favorable action, and the application was therefore denied.

On the 7th of April, 1890, the following testimony was presented:

(a) Affidavit, dated March 1, 1890, by David Stanton, aged 69, who declared: That he had known applicant about thirty years, and remembered seeing him at home on crutches, wounded, in the fall of 1864, and that the soldier remained at home for some time, until after the close of the war, and he (affiant) used to see him quite often.

(b) Affidavit, dated March 29, 1890, by Charles G. Cummings, aged 45, who testified: That he had known the applicant from boyhood, and recollected his being at home December, 1865, wounded and on crutches, and, to the best of his (affiant's) belief, unfit for duty; and that he saw the soldier often and knew that he was at home when the regiment was mustered out of service, as he (affiant) was in Hartford at the time, December, 1865.

On the 9th of April, 1890, the attorneys in the case were informed that upon a careful consideration of the additional testimony presented nothing had been found to justify a reversal of the former adverse decision in the case, and the application was therefore again denied.

On the 4th April, 1891, the applicant filed the following additional testimony:

(a) Affidavit, dated March 23, 1891, by James Drew, a former affiant, and Luther C. Corning, who declared: That applicant was at home in June, 1864, suffering from a wounded foot, and also from bowel trouble, and that he was obliged to use a crutch and appeared to be in a very bad condition for at least eight months; and affiants "positively asserted" that it would have been utterly impossible for him to have rejoined his command or reported for duty during the period in question. They added that they knew of the above-mentioned circumstances through having seen him almost daily, and also from observing the condition of his foot and hearing him complain of the bowel trouble "and noticing the symptoms of same."

(b) Affidavit, dated March 25, 1891, by John Drew, a former affiant, who testified in language identical with that employed by the witnesses whose testimony has just been cited.

The application was once more denied, under date May 12, 1891, for reasons already stated, and the attorneys so informed.

Since the date mentioned the status of the case has undergone no change, either by the introduction of new testimony or by legislation.

Respectfully submitted.

F. C. AINSWORTH,

Major and Surgeon, United States Army.

The SECRETARY OF WAR.

AMANDA ATHERTON.

Mr. STEWARD of Illinois. I call up the bill (H. R. 7238) granting a pension to Amanda Atherton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Amanda Atherton, widow of John Wilson Cook, late of Company F, Twenty-sixth Regiment of Iowa Infantry, and who, as such widow, was allowed a pension heretofore, and pay her at the rate of \$12 per month.

The report (by Mr. BUTLER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7238) granting a pension to Mrs. Amanda Atherton, having examined and considered the same, report the same back to the House with a recommendation that it do pass.

Mrs. Atherton was the wife of John Wilson Cook, late of Company F, Twenty-sixth Regiment Iowa Infantry, and who died at Vicksburg, Miss., of chronic diarrhea on the 29th day of January, 1863, while in service in said company. His widow was granted a pension on account of his death, which she drew until her remarriage.

This soldier left three children, who were reared by said widow. In 1863 she married one Ransom Atherton, and lived with him until he died in 1889. All of the children of said soldier except one have since died, and that one is in poor health and has a family of his own to support and is unable to help his mother. She is in poor health and practically without property, having a fractional interest in 40 acres of land, and household furniture worth about \$50, the whole value not exceeding \$400.

She is in such a condition that she is unable to earn a support by manual labor. Her right to a pension is established by the fact of its being granted to her, and Congress has frequently held that it is proper to restore to the pension roll widows who have remarried, and where after said remarriage they are left, through the death of the second husband or otherwise, in a condition so that it would be just for them to have it. This case seems to be entirely within these precedents.

The bill was laid aside to be reported favorably to the House.

LYDIA BOLLMAN.

Mr. WILLIAM A. STONE. I call up the bill (H. R. 8969) to grant a pension to Lydia Bollman, a dependent sister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Lydia Bollman, a dependent and permanently invalid sister of Samuel C. Bollman, deceased, late a quartermaster's sergeant in the Eighty-ninth Indiana Volunteers, in the war of the rebellion.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8969) granting a pension to Lydia Bollman, submit the following report:

The records of the War Department show that Samuel C. Bollman was mustered into the service August 28, 1862, and mustered out with his regiment July 19, 1865. The rolls from enrollment to muster out report him present throughout that time. No record of medical treatment was found. The evidence shows that he contracted disease of the lungs and camp diarrhea while in the service; that being a practical druggist he prescribed for himself, which accounts for there being no record of medical treatment while in the service.

Dr. C. L. Curtis, a reputable man and regular practicing physician, who became acquainted with him in a business and professional way in 1867, testifies that at that time he was troubled with an affection of the lungs, camp diarrhea, and bleeding piles, which continued until 1877, when he became confined to his bed; that as a result, on January 23, 1878, he died of phthisis and camp diarrhea.

The soldier never applied for pension, and no one, on account of his service. He was an unmarried man and died without heirs, except his mother, brothers, and sisters. Since the death of the soldier his mother has deceased, and no one is entitled to a pension for his service except the claimant.

The claimant, Lydia Bollman, his sister, became a helpless invalid in May, 1876, and for nine years was confined to her bed from a spinal affection, which yet continues, and which her physicians have pronounced permanent and incurable.

While not now confined to her bed, she is helpless, confined to her room, simply able to sit in a chair, but so helpless as to be unable to move about in it, replenish the fire, or in any way take care of her room, requiring constant care and attention. From the time she became sick until her brother died he was her sole support, furnishing her with medical aid and attendance. She is an unmarried woman, in destitute circumstances, without any income whatever.

As the evidence is conclusive that the soldier's death was due to disease incurred in the service; that no pension has been allowed on account of said service; that the soldier died unmarried; that his father and mother are both dead; that the claimant, his sister, was solely dependent upon him through her long, continuous, helpless condition for medical aid, attendance, and every material comfort; that as this claim is in line with such as have been heretofore reported favorably by this committee in report No. 456, Mary Isabella Hutchinson; No. 769, Lydia M. Kennedy; and No. 863, Mary E. Hull, your committee return the bill with the recommendation that it do pass.

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

WILLIAM B. PRICE.

Mr. STUMP. I call up the bill (H. R. 2077) for the relief of William B. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of William B. Price, late of Company A, Fifth Maryland Infantry, who was marked and charged with desertion from said service, and to amend the military record of said soldier so charged as a deserter and grant him an honorable discharge to date from December 4, 1862.

The report (by Mr. BOWERS) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2077) for the relief of William B. Price, have had the same under consideration and submit the following report:

This soldier was severely wounded, at the battle of Antietam, in the head and neck, sent to hospital, and after a time sent home on furlough. Not being able to return at the date of the expiration of his furlough he was marked as a deserter.

The evidence shows that soldier was attacked with erysipelas, that for two years thereafter he was an invalid totally unable to do any service and has never recovered his health.

Your committee is of the opinion that he should not have been marked as

a deserter, and we recommend that the bill be amended by adding the following words: "Provided, That no pay, bounty, or emoluments shall become due or payable by virtue of the provisions of this act." And as so amended that the bill do pass.

Case of William D. (or B.) Price, late private, Company A, Fifth Maryland Volunteers.

RECORD AND PENSION DIVISION, July 9, 1890.

William B. Price, private Company A, Fifth Maryland Volunteers, was enrolled on January 4, 1862, to serve three years. He is properly accounted for until August 31, 1862. The company muster roll of October 31, 1862, and subsequent rolls to April 30, 1863, report him: "Absent; wounded in battle at Antietam, Md., September 17, 1862." The roll of October 31, 1863, shows him: "Discharged since April 30, 1863, date of last regular muster." His name is not borne on any subsequent muster rolls.

The medical records show that he was admitted to Mount Pleasant General Hospital, Washington, D. C., September 23, 1862, with gunshot wound of head and neck, and was furloughed for thirty days on November 4, 1862. He never returned to hospital or to his company, which was retained in service until September 1, 1865. His term of service did not expire until January 3, 1865.

A paper on file with the medical records reads as follows: "Northeast, Md., November 27, 1862. We, the undersigned, hereby certify that private William B. Price, of Company A, Fifth Maryland Regiment, has been under our professional care for three weeks past; his disease was erysipelas of the face and head. In our opinion he will not be able to leave home for several weeks yet. J. J. Buckley, M. D. N. B. Morrison, M. D."

In a petition to Congress dated October 16, 1879 (which was referred to the War Department about December 1, 1879), the applicant, William Price, stated that he was wounded at Antietam, Md., by a ball entering below the left eye, passing through the tongue, knocking out a number of teeth, and coming out just over the jugular vein; that he was sent to Mount Pleasant General Hospital, Washington, D. C., where he was discharged in December, 1862, being no longer able for duty by reason of said wound; that for over two years after his discharge he was completely helpless by reason of such wound, and from that time to the present he had been frequently under the doctor's care, the wound gathering frequently and rendering him bedfast by reason of pain, great prostration, and inability to take food.

Upon the record and after investigation of the case it was determined by the Department that this soldier is considered a deserter from December 4, 1862 (date of expiration of his furlough), and a discharge was furnished him on March 19, 1865, to date December 4, 1862, by reason of desertion.

In an affidavit of June 1, 1885, this applicant testified that after being sent home from the hospital he applied to the authorities from time to time to take him back, but that they refused to do so, as his wound was such as to prevent him from doing further duty.

This testimony was not accepted by the Department to establish the physical inability of the soldier to complete his term of enlistment, and the application for removal of the charge of desertion was denied on February 10, 1887.

L. W. Thomas, of Northeast, Md., in affidavit of October 25, 1889, testified that this applicant came home from the Army in 1862, suffering from a wound in the face and throat, and continued to suffer from the wound until after 1865. The doctor, Buckley, who attended the applicant, is dead, but this affiant, as druggist, filled the prescriptions for Price, and his testimony is from personal knowledge, observation, and recollection.

The record and testimony were then referred to the Surgeon-General, United States Army, for his opinion, and that officer replied: "From the record and evidence in this case I am of the opinion that it is not probable that the within-named man was prevented from completing his term of enlistment by reason of disease contracted in line of duty."

The application was thereupon again denied on November 5, 1889.

No further testimony has been submitted.

Respectfully submitted.

F. C. AINSWORTH,

Captain and Assistant Surgeon, United States Army.

THE SECRETARY OF WAR.

The amendment recommended by the committee was adopted.

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

CHIEF TENDROY.

Mr. SWEET. I call up the bill (S. 2612) granting a pension to Tendroy, chief of Bannocks, Shoshones, and Sheepaters tribe of Indians.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Tendroy, chief of the Bannocks, Shoshones, and Sheepaters tribe of Indians, located at Lemhi Agency, Idaho, at the rate of \$30 per month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2612) granting a pension to Tendroy, chief of the Bannock, Shoshone, and Sheepater tribe of Indians, have considered the same and report as follows:

The bill is accompanied by Senate Report No. 537, this session, and the same, fully setting forth the facts, is adopted by your committee as their report, and the bill is returned to the House with the recommendation that it be amended so as to fix the rate of pension to be allowed at \$15 per month, and that as so amended the bill do pass.

[Senate Report No. 537, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2612) granting a pension to Tendroy, chief of the Bannock, Shoshone, and Sheepater tribe of Indians, have had the same under consideration and submit the following report and recommend the passage of the bill:

The reasons for granting a pension to the Indian chief named are: (1) That he has been a faithful and valued friend of the white settlers, not only preventing the Indians of his tribe from going to war against the whites on several occasions when they had grievances, but also joined the white people with his Indians in opposing the invasions of the Nez Percés in 1877, when this tribe, under Chief Joseph, invaded Idaho and Montana and murdered the white people without regard to age or sex. Again in 1878, when the Fort Hall Indians were on the warpath, Tendroy, with a number of his tribe, joined the whites in protecting the lives and property of the settlers. He has not only kept his Indians from going to war with the whites, but has prevented them from pillaging and trespassing on their property.

(2) Tendroy has surrendered large areas of the land which the tribe occupied and claimed, for which the tribe has received nothing, and now get only a small annuity for clothing and supplies.

In view of the great service rendered to the white people in protecting

their lives and property, not only from the Indians of his own tribe, but from other Indian tribes, he certainly should receive some recognition from the Government for his friendship and devotion which has been so valuable to the settlers.

Hon GEORGE L. SHOUP, who has lived for many years near the tribe of Indians ruled over by Tendoy, and who is familiar with the facts in the case, presents a statement to the committee relating to the claim of this Indian for a small pension, which is submitted as part of the report.

UNITED STATES SENATE, Washington, D. C., April 4, 1892.

SIR: Relating to Senate bill 2612, "Granting a pension to Tendoy, chief of the Bannocks, Shoshones, and Sheepaters tribe of Indians," located at the Lemhi Indian Agency, State of Idaho, I have to say that the former chief of this tribe, an uncle of Tendoy, the beneficiary named in the bill, was assassinated near the present site of Bannock City, in the State of Montana, in 1862. The Indians had committed no offense against the whites, but there were a few white desperadoes in the mining camp whose ambition it was to add one more to the number they had killed. On the day following the assassination of the chief, Tendoy was elected chief. He had acquired distinction in battle with the Flathead, Crow, and Sioux Indians, and was endowed with an intellect far superior to that of any other member of the tribe.

On the day following his election as chief he visited the miners and called their attention to the ruthless manner in which they had killed his uncle, and of the sorrow of the tribe on what he regarded as a calamity. He called their attention to the fact that, holding the position of war chief under his uncle, he had protected them and all white people within his reach from assault from hostile Indian tribes. He told them he had come to inquire of them now why they had killed his uncle: did it mean that they had declared war against his Indians who had been their friends? If so, he accepted the challenge with deep regret, as he much preferred to be friendly with the white people. He was assured by the better class of the miners that his past services and friendship were appreciated, and that the killing of their chief was the act of a few desperadoes and gamblers who, unfortunately, had found their way to the camp, and that they deplored the act.

The interview was protracted for some time, when Tendoy withdrew to the camp of the Indians, who were determined to avenge the death of their chief. Tendoy addressed his followers in an able speech, after condoning with them in the loss they had sustained, he called their attention to what war with the whites meant, and what the result would inevitably be. His argument prevailed, and he at once left for the eastern plains on a prolonged buffalo hunt, not returning until time to go into winter quarters.

My personal acquaintance with this chief commenced four years later, or in 1866, and I have met him every year since that time.

In 1877, when the Nez Percés Indians, under Chief Joseph, were on the warpath, murdering our people—men, women, and children, indiscriminately—and applying the torch to their homes, Tendoy placed some of his Indians at my disposal as scouts, and when the Nez Percés entered Lemhi Valley he, with 40 or 50 of his Indians, joined my company of volunteers to give battle; in fact, he rendered the whites incalculable service. Again, in the following year, when Buffalo Horn's band of the Fort Hall Indians went on the warpath, he furnished us men who saved the lives of many of our citizens. During this campaign several of the hostile Indians were captured by Tendoy's men and a subchief was killed. The Indians have received no compensation or reward for their gallant services, except a small amount paid by me personally.

Tendoy has on each and every occasion, when any member of his tribe procured a horse or other property dishonestly, compelled its return to the owner. He is now over 60 years old, and has surrendered all of the country formerly occupied and claimed by his tribe, comprising a large area, excepting a small reservation in the Lemhi Valley. He with his tribe of about 600 receive a small annuity for clothing, supplies, and school purposes, but do not receive a dollar of cash annuity. Other Indian tribes who have surrendered less territory receive large money installments.

In view of all these facts, and the further fact that he is infirm and unable to perform manual labor, I earnestly recommend that Chief Tendoy be given a pension of \$30 per month. This amount would be but a small recognition of the service he has rendered to the Government and the white people.

Very respectfully,

GEO. L. SHOUP,
United States Senator.

The CHAIRMAN OF THE COMMITTEE ON PENSIONS,
United States Senate.

In view of the fact that this Indian has received no compensation for his valuable service and that this recognition would strengthen the friendship of the tribe toward the white people, and in view of the further fact that the claimant is now old and too infirm to perform manual labor, and that it is the practice of the Government to grant annuities to Indian chiefs for their friendliness to the whites and for services to the Government, your committee believe that the bill should pass and that Tendoy be granted the relief prayed for.

The amendment recommended by the committee, to strike out "thirty," in line 7, and insert "fifteen," was adopted.

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

CORNELIUS DAY.

Mr. TARSNEY. I call up the bill (H. R. 9590) granting a pension to Cornelius Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Cornelius Day, late a soldier in Capt. Owen's company, attached to Doniphan's regiment (First Missouri Mounted Volunteers), in the war with Mexico, from Santa Fe to Chihuahua, and who participated in its battles, and allow him a pension rate at \$15 per month.

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

SUSAN S. MURPHY.

Mr. TERRY. I call up the bill (H. R. 6272) to pension Susan S. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Susan S. Murphy, of Eldorado, Union County, Ark., widow of Thomas Murphy, deceased, late a private in Capt. Sims's Company, Alabama Militia, Creek Indian war, and pay her a pension of \$12 a month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6272) granting a pension to Susan S. Murphy, have considered the same and report as follows:

The claimant's late husband, Thomas Murphy, was enlisted May 30, 1836, served three months as private in Capt. Simms's mounted company, Twenty-third Regiment Alabama Volunteers, Creek war, and was mustered out July 23, 1836. The soldier died February 23, 1866, and it is shown by the testimony accompanying the bill that his widow is 65 years old, in indigent circumstances, feeble health, and dependent upon the charity of her friends for support.

The passage of the bill is respectfully recommended.

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

JOHN T. FLEENOR.

Mr. TRACEY. I call up the bill (H. R. 2912) to pension John T. Fleenor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John T. Fleenor, the imbecile son of Samuel W. Fleenor, deceased, late of Company G, Twenty-seventh Regiment Indiana Volunteers, and pay to his legally-constituted guardian the sum of \$16 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2912) to pension John T. Fleenor, have had the same under consideration, and submit the following report:

The claimant herein is the imbecile son of Samuel W. Fleenor, who served in Company G, Twenty-seventh Regiment Indiana Volunteer Infantry from September 1, 1861, to October 23, 1861, when he died of disease in the service. The claimant was pensioned as one of the minor children of the soldier until he arrived at the age of 16 years, when his pension ceased by operation of law. It is shown by affidavit that the mother of the claimant, and the wife of the soldier, is dead, and that there is now no one drawing, or entitled to draw, a pension on account of the services of said soldier.

It is also shown by affidavits on file with the committee that the claimant is, and has been all his life, mentally unsound and totally unable to care for himself or to handle any means placed in his hands. Isaac Knight, guardian for said claimant, testifies as follows:

"That he is the guardian of John T. Fleenor, and that said John T. Fleenor is demented and totally unable to care for himself, and has not a dollar in the world, and that he placed him in the poor asylum about one year ago."

George W. Bailly testifies—

"That he is the superintendent of the poor asylum of Morgan County, Ind.; that said John T. Fleenor was an inmate of said asylum about one year past; that he is a demented man, absolutely unable to care for himself."

The claimant made application for pension to the Pension Bureau, but the same was rejected on the ground that he became 16 years of age prior to the passage of the act of June 27, 1890.

The committee recommend that in line 8 the word "sixteen" be stricken out and the word "fourteen" be inserted, and when so amended recommend the passage of the bill.

The amendment recommended by the committee, to strike out "sixteen," in line 8, and insert "fourteen," was adopted.

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

MRS. S. A. FARQUHARSON.

Mr. TURPIN. I call up the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, directed to pay to Mrs. S. A. Farquharson, widow of the late Maj. Robert Farquharson, of the First Regiment Tennessee Volunteers, Mexican war, a pension of \$25 per month, that being the pension paid to the late Maj. Robert Farquharson, in lieu of the pension of \$8 per month heretofore paid to Mrs. S. A. Farquharson.

SEC. 2. That this act shall take effect from its passage.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson, have considered the same and report:

Said bill is accompanied by Senate Report No. 375, this session, and the same fully setting forth the facts, is adopted by your committee as their report, and the bill is returned to the House with the recommendation that it be amended so as to fix the rate of pension at \$15 per month, and that it do pass as so amended.

[Senate Report No. 375, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1303) granting a pension to Mrs. S. A. Farquharson, have examined the same and report:

The claimant, Mrs. S. A. Farquharson, is the widow of the late Maj. Robert Farquharson, of the First Regiment Tennessee Volunteers in the war with Mexico. Her said husband was at the time of his death a pensioner of the United States, upon account of wounds received in battle with the enemy at Cerro Gordo, Mexico, at the rate of \$25 per month; since the death of her husband the claimant has been receiving a pension of \$8 per month as his surviving widow.

It appears from the evidence submitted to the committee that the claimant is now over 60 years old; her only son, upon whose labor she was greatly depending for support, has recently died; she has now no living child or relative to assist her; she is without means or property of any kind, and in a dependent and helpless condition. The object of the bill is to increase her present rate of pension up to \$25, being the same rate as that received by her husband at the time of his death.

Your committee are inclined, under the circumstances of this case, the advanced age and needy condition of the claimant, to grant this increase, to take effect from the passage of the bill, and recommend the passage of the bill with the following amendment:

Strike out all after the word "Farquharson," in the ninth line of the bill, down to and including the word "Farquharson" in the twelfth line of the bill, and when so amended recommend that the bill do pass.

The amendment recommended by the committee was agreed to.

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

ELIZA HOLMES.

Mr. VAN HORN. I call up the bill (H. R. 9215) granting a pension to Eliza Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Eliza Holmes, widow of John Holmes, deceased, late of Company A, Seventy-ninth Regiment New York Volunteers, and whose pension claim is numbered 13513.

The report (by Mr. VAN HORN) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 9215) granting a pension to Eliza Holmes, and submit the following report:

The petitioner, whose address is No. 343 West Seventeenth street, New York City, is the widow of John Holmes, deceased, late a member of Company A, Seventy-ninth New York Volunteers, to whom she was married September 22, 1860, as shown by the affidavit of the officiating clergyman and other evidence; the fact that she has remained a widow since the soldier's death is also established by satisfactory testimony.

The records of the War Department show that John Holmes enlisted in Company A, Seventy-ninth New York Volunteers, May 13, 1861, and was "found dead in High street, Georgetown, D. C., on the morning of July 2, 1861; deceased had been stabbed by some person or persons unknown."

In an affidavit dated July 20, 1864, William Manson (since deceased), who was captain of soldier's company, testifies that when the regiment left Georgetown about July 1, 1861, a portion of the regiment was left behind to guard the regiment property; that said Holmes was one of such guard and was on the following day found dead, having been stabbed during the night by some person unknown, and that he was in the performance of his duty at the time of his death.

John H. Sheppard, in affidavit executed September 24, 1885, testifies that he was a comrade of John Holmes, and that they together were placed on guard duty at the observatory in Georgetown on the morning of July 2, 1861 (probably meaning however July 1), and continued on that duty until 8:30 p. m., when they returned to the college and found that the regiment had moved, leaving a guard consisting of Lieut. McNeen and about twelve men; the officer told them there was no food for them and gave them permission to go and get something; they went to a grocery store and got some cheese and crackers; while there three men, apparently civilians, used some abusive language toward them, which they did not resent, but left.

Holmes, however, decided to go back alone to get something more, and was never seen again alive; next morning affiant learned that Holmes was murdered; he was perfectly sober when he left affiant.

The Georgetown Evening Star of July 2, 1861, contained the following account of the murder:

"John Holmes, a private in Company A, Seventy-ninth New York Regiment, was murdered this morning at an early hour near the corner of High and West streets. He received two stabs in the left breast. * * * The coroner's inquest is now in progress and the evidence of those in the neighborhood shows that deceased was, in an altercation with one or two other men, habited in the uniform of his regiment, and from them received the wound that caused his death. * * * Several members of the regiment were arrested and one is strongly suspected."

The War Department records do not, however, show that any member of the regiment was under arrest for this murder or anything further in the matter.

The widow's claim was rejected on the ground that the soldier's death did not occur in line of duty, and she can not be pensioned under the act of June 27, 1890, for the reason that the soldier was not honorably discharged from the service.

While the action of the Pension Bureau is doubtless proper, this seems to be just such a case as special acts of Congress are designed to relieve. While it can not be proved that the soldier met his death in line of duty, it is equally true that he died in service and that there is no sufficient reason to assume that it was through any fault of his own that he was murdered.

Your committee recommend the passage of the bill.

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

THOMAS KENNEDY.

Mr. WAUGH. I call up the bill (H. R. 4320) granting a pension to Thomas Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Thomas S. Kennedy, who served as a soldier in the Mexican war, at the rate of \$12 per month from the date of the passage of this act.

Amend the title so as to read: "A bill granting a pension to Thomas S. Kennedy."

The report (by Mr. WAUGH) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4320) granting a pension to Thomas Kennedy, have considered the same and report as follows:

The claimant was a teamster in the Quartermaster's Department, United States Army, and served in that capacity from August 25, 1846, to April 10, 1847, in the war with Mexico. His claim, filed at the Pension Office under the Mexican war service-pension act of January 23, 1887, was rejected April 9, 1888, on the ground that he was a civilian employé of the Quartermaster's Department and not an enlisted man.

The claimant's identity and that he rendered the above service is also shown by testimony submitted to your committee with the bill.

In his own behalf the applicant states under oath that while at Santa Fe during said service they called for volunteer teamsters to go out on a raid with Price's regiment against the Mexicans, and his partner, Henry Adkins, and himself placed their names on the volunteer list as teamsters and drove for 80 miles for said regiment, he (claimant) driving an ammunition wagon for the artillery; and that while on this raid the enemy was met with and Adkins, with about thirteen regulars and forty volunteers was killed; also that he subsequently received a bounty land warrant for his service.

The claimant further declares that by reason of the long time that has elapsed since said war, and because of the death long since of those having a knowledge of his participation in the above engagement, he is unable to

furnish proof in corroboration of his allegations relative thereto, but he furnishes the testimony of four neighbors and acquaintances of long standing who swear to the high reputation of the claimant for honesty, integrity, and veracity.

Your committee believes that such of the employés of the Quartermaster's Department as actually participated in battle under arms during the war with Mexico are in justice entitled to the same recognition as is accorded regularly enlisted men. Therefore the bill is returned with a favorable recommendation.

An amendment is recommended inserting the initial "S." in the claimant's name, so that it will read Thomas S. Kennedy.

The amendment of the committee was agreed to.

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

FLORENCE ESTHER WILLIAMS.

Mr. McCLELLAN. I call up the bill (H. R. 7244) granting a pension to Florence Esther Williams, the blind daughter of Henry D. Williams, late a private in Company F, Sixty-fourth Regiment Illinois Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Florence Esther Williams, the blind daughter of Henry D. Williams, late a private in Company F, Sixty-fourth Regiment Illinois Volunteers, and grant her a pension of \$10 per month, from the date of the passage of this act.

Amend the title so as to read: "A bill granting a pension to Florence Esther Williams."

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7244) granting a pension to Florence Esther Williams, have had the same under consideration and submit the following report:

The claimant is the blind daughter of Henry D. Williams, late private in Company F, Sixty-fourth Regiment Illinois Volunteers. The record shows that he served from December 28, 1861, to July 11, 1865, when he was honorably discharged. He died December 22, 1879. The cause of his death is not stated, but as he never applied for pension it is to be presumed that his death was not due to his army service. The widow remarried to John Kecklin December 18, 1880.

The claimant is now 22 years of age, having been born July 11, 1870. While going to school at Ontario, Ind., in January, 1881, her eyes became diseased, which resulted in about a year in blindness, and she has been blind ever since. She is totally unable to earn a living by manual labor, has no property of her own, and is wholly dependent on her mother for support. In 1887 the husband of her mother was adjudged insane and was sent to the hospital for the insane at Indianapolis, from which he was sent home as incurable.

The mother has, aside from her husband and the claimant, two other children to support, and who, having no property whatever except a few household goods, is compelled to do washing and house-cleaning for a living for herself and dependents.

The committee recommend that the title of the bill be amended by striking out all after the word "Williams," and by striking out, in line 7, the word "thirty," and inserting in lieu thereof the word "ten," and when so amended recommend the passage of the bill.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW B. KNAPP.

Mr. WEADOCK. I call up the bill (H. R. 2592) for the relief of Andrew B. Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department of the United States so as to show the name of Andrew B. Knapp honorably discharged from the service as second lieutenant Company H, One hundred and second New York Volunteer Infantry, on the 4th day of April, A. D., 1863.

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

JAMES H. LOBDELL.

Mr. WHEELER of Michigan. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from the further consideration of the bill (H. R. 4262) granting a pension to James H. Lobdell, late first lieutenant Company H, Sixth Michigan Cavalry, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That James H. Lobdell, late first lieutenant Company H, Sixth Michigan Cavalry, be, and he is hereby, granted a pension at the same rate per month that he is now receiving under pension certificate No. 643373, such pension to be computed from the date of the muster out or final discharge of him, the said James H. Lobdell, from the military service of the United States up to the time he became entitled to a pension under said pension certificate.

SEC. 2. That the pension hereby granted shall be paid to said James H. Lobdell by the Commissioner of Pensions, under the rules and regulations of the Pension Department.

Mr. KILGORE. I would like to ask if the committee have made a report on this bill?

Mr. WHEELER of Michigan. No, it has not been reported.

Mr. KILGORE. Have they investigated the matter?

Mr. MARTIN. The committee have not investigated it. As I understand the reading of the bill it would carry arrears; and I want to say to the gentleman from Michigan that it has been a rule of the committee and of the House, so far as I know, never to recommend the passage of private bills carrying arrears. I hope the gentleman will withdraw his request.

Mr. KILGORE. I object.

The CHAIRMAN. The gentleman from Texas objects.

THOMAS TUCKER.

Mr. WHITING. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 4916) granting a pension to Thomas Tucker, Battery A, Fourth United States Artillery.

The bill was read, as follows:

Be it enacted, etc., That a pension of \$20 is hereby granted to Thomas Tucker, who served in the Florida campaign during the years 1837 and 1839, as a member of Battery A, Fourth Regiment United States Artillery.

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

H. A. J. COPENHAVER.

Mr. WILSON of Missouri. Mr. Chairman, I call up the bill (H. R. 1795) to increase the pension of A. J. Copenhaver, late a soldier in the Mexican war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of A. J. Copenhaver, of Winchester, Frederick County, Va., late a private in the First Regiment of Virginia in the Mexican war, at the rate of \$30 per month, according to the rules and regulations governing pensions, which shall be in lieu of the pension which the said A. J. Copenhaver is now drawing.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1795) granting an increase of pension to A. J. Copenhaver, have considered the same and report:

Andrew J. Copenhaver was a private of Company K, First Virginia Volunteers, and as such served from January 6, 1847, to July 31, 1848, in the war with Mexico. He is now drawing a pension at \$8 per month allowed him under the Mexican war service-pension act of January 29, 1887.

A petition signed and sworn to by a large number of the claimant's friends and neighbors shows that he is almost totally blind, incapacitated for work, and that his financial and pecuniary condition is so reduced that he is almost entirely dependent. He is now about 64 years old.

Your committee recommend that the bill be amended by striking out the word "fifty," in line 7, and inserting in lieu thereof the word "thirty;" also by filling in the blank spaces in the bill so as to show that the claimant served as a private in the First Regiment of Virginia, and that as so amended the bill do pass.

The amendments recommended by the committee were agreed to.

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

MARGARET C. SIMMONS.

Mr. GEISSENHAINER. Mr. Chairman, I ask for the present consideration of the bill (H. R. 8924) granting a pension to Margaret C. Simmons, widow of James A. Kelly.

Mr. KILGORE. Do I understand that the gentleman from New Jersey had an opportunity to respond to his name before?

Mr. GEISSENHAINER. He had not. He was temporarily absent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Margaret C. Simmons, widow of James A. Kelly, a member of Company F, commanded by Capt. W. F. Sanderson, regiment of mounted riflemen, United States Army, in the war with Mexico, who received a certificate of merit for distinguished services, signed by the President of the United States, and countersigned by the Secretary of War, dated May 3, 1848, and recorded number fifteen in the Adjutant-General's Office May 10, 1848; who died the 12th of July, 1857, in Vallejo, Cal., leaving the beneficiary of this act a widow, who subsequently married James E. Simmons, who died the 29th of January, 1892, at St. Elizabeth Asylum in Washington, D. C., leaving said Margaret C. Simmons a widow in destitute circumstances and advanced in age, being now in her sixty-eighth year of age, and that she be paid at the rate of \$30 per month, from and after the passage of this act during her natural life.

The report (by Mr. WILSON of Missouri) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8934) granting a pension to Margaret C. Simmons, widow of James A. Kelly, have considered the same and report:

The following report shows the service rendered by James A. Kelly:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

"Washington, June 1, 1892.

"SIR: I have the honor to return herewith communication from the chairman of the Committee on Pensions, House of Representatives, and in compliance with request contained therein to report as follows:

"The original enlistment paper in this office shows that Private James Kelly, Troop F, United States Mounted Rifles, enlisted June 6, 1846, at Washington, D. C., and later records show that he was discharged August 28, 1848, at Jefferson Barracks, Mo., under section 3, act of Congress approved August 14, 1848.

"His name is borne on rolls as James A. Kelly. He served in Mexico from October, 1846, to July 6, 1848.

"Very respectfully,

"SAM. BRECK,
"Assistant Adjutant-General.

"THE SECRETARY OF WAR."

It appears from the claimant's petition that she is 68 years old and a sufferer from diseased eyes and rheumatism, which disqualify her for the performance of any manual labor. It appears, further, that her husband, James A. Kelly, died in California in 1857, and that in August, 1890, she married one James E. Simmons, who died at the United States Hospital for the Insane at Washington, D. C., January 29, 1892, leaving the claimant entirely dependent upon a married daughter, who is in limited circumstances and with a family to care for.

Catherine Bowdren and J. W. York, citizens of Washington, D. C., testify as acquaintances of the claimant that she is unable to support herself, owing to her infirmities. They further testify that the claimant's statements are entirely worthy of credence.

The Pension Bureau reports that no pension has ever been paid on account of the services of James A. Kelly.

Your committee recommend that the bill be amended by striking out the word "twenty," in line 30, and inserting in lieu thereof the word "twelve;" also, by striking out the words "natural life," in line 32, and substituting therefor the word "widowhood," and that as so amended the bill do pass.

Mrs. Simmons resides at 616 C street southeast, Washington, D. C.

The amendments recommended by the committee were agreed to.

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

Mr. BAILEY. Mr. Chairman, I move that the committee do now rise.

Mr. O'NEILL of Missouri. I ask the gentleman to withhold that to allow me to call up a bill.

Mr. BAILEY. There are half a dozen gentlemen yet who want to do that.

Mr. HEARD. There are only two of us.

Mr. O'NEILL of Missouri. My name was called, with the privilege of calling up a bill.

Mr. BAILEY. I will withdraw the motion for the present.

MARY MILLARD.

Mr. O'NEILL of Missouri. Mr. Chairman, I call up the bill (H. R. 7234).

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Millard, widow of John Williams, late of Company E, Ninety-sixth Regiment of Illinois Infantry, and pay her a pension at the rate of \$12 per month.

The committee recommended the following amendment:

In line 8, strike out "twelve," and insert "eight."

The agreement was agreed to.

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

MARTHA A. HARRIS.

Mr. HEARD. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 1318) granting a pension to Martha A. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension law, the name of Martha A. Harris, widow of James H. Harris, late a private in Company I, of the Fortieth Regiment of Enrolled Missouri Militia, and pay her a pension from and after the passage of this act.

The report (by Mr. SNOW) is as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1318) granting a pension to Martha A. Harris, and submit the following report.

The petitioner is the widow of James H. Harris, deceased, who was a member of Company I, Fortieth Enrolled Missouri Militia, to whom she was married May 20, 1852, as shown by transcript from public record. It is also clearly shown that she has remained a widow since her husband's death, December 6, 1862.

The Fortieth Regiment Enrolled Missouri Militia was a State organization and never mustered into the service of the United States, and on this ground the widow's claim was rejected by the Pension Bureau. The date of this soldier's enlistment is not shown, but it is shown in a satisfactory manner that he was killed December 6, 1862, in a fight with bushwhackers.

J. B. Hopkins, of Carbon Center, Mo., testifies that he was captain of Company I, Fortieth Enrolled Missouri Militia, and that James H. Harris, of that company, was killed in line of duty December 6, 1862, "being shot in the head and instantly killed in a fight with bushwhackers, Lieut. Samuel Brown was in command, and from his report I get my information. I had him buried."

John H. Jones, of Houstonia, Mo., testifies that he was a comrade of Harris, and that—

"On December 6, 1862, the company was ordered as scouts in Saline, Pettis, and Cooper Counties to look after guerrillas. While in line of duty said Harris was killed by guerrillas who were fighting for the Southern Confederacy, near Scotts Ford, on Lamine River. At that time Ridge Prairie was the nearest post-office."

It is clear that the soldier, while in the actual, though not technical, service of the United States was killed in action by the enemy, and your committee therefore recommend the passage of the bill.

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

Mr. MARTIN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and Mr. CUMMINGS having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry bills and had directed him to report them back to the House, some with and some without amendments, and with the recommendation that they do pass.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the engrossment, third reading, and final passage of the several bills that we have had under consideration, with the right of fifteen minutes' debate on each side on each bill.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the previous question be considered as ordered on these various bills to their third

reading and final passage, with fifteen minutes' debate on a side on each bill. Is there objection?

Mr. KILGORE. Mr. Speaker, I object. I will agree to allow the previous question to be ordered on the bills up to their engrossment and third reading.

Mr. BUTLER. There is fifteen minutes' debate given on a side on each bill.

Mr. KILGORE. I object to anything further than that, and I want to except from the operation of the previous question—

Mr. MARTIN (interrupting). The final passage?

Mr. KILGORE (continuing). The third reading of the bill S. 111, Calendar No. 114, which was favorably recommended by the Committee of the Whole.

Mr. BAILEY. Mr. Speaker, I make the point of order that the hour of half past 10 has arrived.

The SPEAKER *pro tempore*. The hour of half past 10 having arrived, under the rule the Chair declares the House adjourned until to-morrow at 11 o'clock a.m.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUTLER, from the Committee on Invalid Pensions: A bill (H. R. 4496) to place upon the pension rolls of the United States the name of Thomas F. Sheldon, late captain Company A, One hundred and twenty-fifth New York Infantry. (Report No. 2003.)

A bill (H. R. 4804) to place the name of Sarah L. Van Nest on the pension list. (Report No. 2004.)

By Mr. CURTIS, from the same committee: A bill (H. R. 9585) for the relief of Henrietta E. Niles. (Report No. 2005.)

By Mr. FLICK, from the same committee: A bill (H. R. 9390) granting an increase of pension to Capt. Samuel H. Chapman. (Report No. 2006.)

By Mr. ROBINSON of Pennsylvania, from the same committee: A bill (S. 1397) granting a pension to Capt. John C. Heazlett. (Report No. 2007.)

By Mr. HARRIES, from the same committee: A bill (S. 3321) granting a pension to Mary Tuttle. (Report No. 2008.)

By Mr. KRIBBS, from the same committee: A bill (H. R. 2118) restoring the name of Ellen De Witt Hatch to the pension rolls of the United States. (Report No. 2009.)

By Mr. MARTIN, from the same committee: A bill (H. R. 6024) for the relief of William H. Taylor. (Report No. 2010.)

By Mr. BYRNS, from the Committee on Claims: A bill (H. R. 3157) for the relief of Benjamin F. Jones. (Report No. 2011.)

A bill (H. R. 2075) for the relief of the heirs of Nathan C. and Hezekiah J. Winslow, deceased. (Report No. 2012.)

By Mr. MANSUR, from the same committee: A bill (H. R. 1782) for the relief of Cogswell & Co. (Report No. 2013.)

A bill (H. R. 3495) for the relief of the First National Bank of Newton, Mass. (Report No. 2014.)

A bill (H. R. 4853) for the relief of Agnes and Maria De Leon. (Report No. 2015.)

By Mr. BYRNS, from the same committee: A bill (H. R. 8963) for the relief of John M. Burks. (Report No. 2017.)

A bill (H. R. 934) for the relief of William Brice & Co. (Report No. 2018.)

A bill (H. R. 8961) for the relief of James Manning. (Report No. 2019.)

A bill (H. R. 8962) for the relief of C. S. Waite. (Report No. 2020.)

By Mr. CROSBY, from the Committee on Military Affairs: A bill (H. R. 8106) for the correction of the army record of David R. Wallace. (Report No. 2021.)

A bill (H. R. 2516) to remove the charge of desertion from the record of John A. Jack. (Report No. 2022.)

By Mr. ROCKWELL, from the same committee: A bill (H. R. 2478) for the relief of David Sarsfield. (Report No. 2023.)

By Mr. BYRNS, from the Committee on Claims: A bill (H. R. 5504) to permit the withdrawal of certain papers and the signing of certain receipts by John Finn, or his attorney. (Report No. 2024.)

A bill (H. R. 5213) to authorize the accounting officers of the Treasury to pay to Joshua Bishop, commander, United States Navy, the sum of \$8,024.79. (Report No. 2025.)

A bill (H. R. 5836) for the relief of W. S. Hammaker, late postmaster of Findlay, Ohio. (Report No. 2026.)

By Mr. PAGE of Rhode Island, from the same committee: A bill (H. R. 8273) for the relief of night inspectors of the ports of New York and Baltimore. (Report No. 2027.)

A bill (H. R. 9359) for the relief of John Scott. (Report No. 2028.)

By Mr. WILSON of Missouri, from the Committee on Pensions:

A bill (H. R. 1224) granting an increase of pension to John T. Askew. (Report No. 2029.)

A bill (H. R. 2128) granting a pension to John Fields. (Report No. 2030.)

A bill (S. 3325) granting an increase of pension to George W. Clark. (Report No. 2031.)

A bill (H. R. 6847) granting an increase of pension to John Matlock. (Report No. 2032.)

By Mr. WHEELER of Alabama, from the Committee on Military Affairs: A bill (H. R. 9366) for the relief of E. Darwin Gage. (Report No. 2033.)

A bill (H. R. 9434) to remove the political disabilities of Caleb Huse. (Report No. 2034.)

By Mr. DOLLIVER, from the Committee on Naval Affairs: A bill (H. R. 3659) to remove the charge of desertion standing against Oliver O'Brien. (Report No. 2035.)

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 4322) to correct the military record of George A. Marks. (Report No. 2036.)

By Mr. BUNN, from the Committee on Claims: A bill (H. R. 6204) for the relief of Thomas S. Lutterloh. (Report No. 2037.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was re-referred as follows:

A bill (H. R. 2851) for the relief of Sarah E. Ingham—the Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2909) to increase the pension of Joseph Craig—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9601) for the relief of Mary Gregan, widow of Michael Gregan—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 9628) to amend an act entitled "An act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city"—to the Committee on the Public Lands.

By Mr. PATTISON of Ohio: A bill (H. R. 9629) to promote commerce by regulating insurance among the States—to the Committee on Interstate and Foreign Commerce.

By Mr. TARSNEY: A resolution providing for the appointment of a select committee to investigate the labor troubles in the State of Idaho—to the Committee on Rules.

PRIVATE BILLS, ETC.

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

By Mr. ALDERSON: A bill (H. R. 9630) granting a pension to Andrew Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9631) granting a pension to Amayllis Young, mother of Asa B. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9632) granting a pension to Rice W. Moore—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 9633) to remove the charge of desertion against the name of W. H. Neuber—to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 9634) granting a pension to Matilda Burks—to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 9635) granting a pension to Josephine Van Dyck—to the Committee on Invalid Pensions.

By Mr. McRAE (by request): A bill (H. R. 9636) for the relief of the estate of Mrs. E. J. Davis, late of Drew County, Ark.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9637) for the relief of Mrs. Fannie E. Owens, of Drew County, Ark.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 9638) for the relief of Mrs. Lucy B. Legrand—to the Committee on War Claims.

By Mr. STONE of Kentucky: A bill (H. R. 9639) for the relief of Patrick J. Finley, of Adams County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were placed on the Clerk's desk and referred as follows:

By Mr. CAPEHART: Petition of Marlin Parks, of West Virginia, to accompany House bill 9617—to the Committee on Military Affairs.

Also petition of E. L. Neal for the estate of William Neal, deceased, late of Mason County, W. Va., 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. CARUTH: Papers to accompany House bill 1092 granting an increase of pension to Orlenla J. Clark—to the Committee on Pensions.

By Mr. CRISP: Petition of the Missionary Society of the Methodist Episcopal Church, in favor of closing the gates of the World's Columbian Exposition on the Sabbath—to the Committee on Appropriations.

By Mr. CUMMINGS: Petition of George W. Atkinson, of Company G, Sixty-second New York Volunteers, for relief from the charge of desertion and the return of moneys deducted on account of the same—to the Committee on Military Affairs.

By Mr. HALL: Petition of George Lumson and other residents of Goodhue County, Minn., against closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. HALVORSON: Petition of citizens of Kittson County, Minn., requesting legislation in the matter of the rights of settlers to cut timber from unoccupied public lands—to the Committee on the Public Lands.

Also, petition of citizens and settlers of Norman County, Minn., regarding their land claims and asking relief from Congress—to the Committee on the Public Lands.

By Mr. HERBERT: Memorial of Steward Sanderson, of Shelby, N. Y., in reference to a steam-ram drill during the naval review—to the Committee on Naval Affairs.

By Mr. LODGE: Remonstrance of Mary W. Whittier and 7 others, of Reading, Mass., against committing the Government to any course of religious legislation—to the Select Committee on the Columbian Exposition.

By Mr. SWEET: Petition of citizens of Idaho, relative to closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Protest of citizens of Boulder, Colo., against any legislation committing the Government to a union of religion and state by closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Denver, Colo., against either closing or opening the World's Fair on Sunday by legislation—to the Select Committee on the Columbian Exposition.

Also, resolution of Joint Track Assembly of Knights of Labor, of Leadville, Colo., in favor of adjusting differences with organized labor and the World's Fair and to refuse closing the World's Fair on Sunday before any appropriation of money is made—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of West Virginia: Petition of members of Pleasant Point Farmers' Alliance, of Marion, W. Va., remonstrating against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of the Paddock pure-food bill—to the Committee on Agriculture.

Also, two petitions of citizens of West Virginia, one by J. C. McGrew and 38 others, of Preston County, and the other by Neill J. Fortney and others, of the same county, in favor of House bill 401—to the Select Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Papers in the matter of Hudson M. Fisher, for relief—to the Committee on Invalid Pensions.

Also, papers in the matter of John C. Drennen, for relief—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, July 23, 1892.

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

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

INVITATION TO GRAND ARMY ENCAMPMENT.

The VICE-PRESIDENT laid before the Senate the following communication; which was read and ordered to lie on the table:

[Citizens' Executive Committee, Twenty-sixth National Encampment Grand Army of the Republic. Headquarters Atlantic Building, rooms 60, 61, 66, and 68, fourth floor.]

WASHINGTON, D. C., July 21, 1892.

DEAR SIR: In pursuance of a resolution, unanimously adopted by the citizens' executive committee having in charge the reception and entertainment of the twenty-sixth national encampment of the Grand Army of the Republic in Washington, D. C., commencing the 20th of September next, I have the honor to extend an invitation to the honorable Vice-President and such representatives of the honorable Senate of the United States as may

be deemed proper, by committee or otherwise, to be present and participate in the reception and other ceremonies on that occasion.

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

JNO. JOY EDSON, *Chairman.*

HON. LEVI P. MORTON,

Vice-President of the United States, United States Capitol.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of Division No. 3, American Order of Hibernians, of Yonkers, N. Y., in regard to the imprisonment in England of Dr. Thomas Gallagher, and praying that steps be taken for his release; which was referred to the Committee on Foreign Relations.

Mr. CULLOM. I present a memorial which I will read, as its contents are about as brief as the statement I find indorsed on the back. It is addressed to my colleague and myself, from Springfield, Ill., and is as follows:

The business men of Springfield and vicinity, without exception, hope you will exert your influence to defeat the antioption bill. If it becomes a law the business machinery of the entire country will be upset, and most disastrous consequences must follow.

The memorial is signed by a large number of persons, many of them farmers and some of them business men in other lines of business.

I also present a memorial of bankers and merchants of Rock Island, Ill., remonstrating against the passage of the same bill.

I move that the memorials lie on the table, as the bill is now under consideration.

The motion was agreed to.

Mr. DAVIS presented a memorial of sundry business men of Minneapolis, Minn., expressing their views on the Washburn-Hatch antioption bill, and remonstrating against its passage; which was ordered to lie on the table.

Mr. QUAY presented a memorial of Encampment No. 45, Union Veteran Legion, of Butler, Pa., remonstrating against the removal of charges of desertion except when the person so charged returned to duty during the late war; which was referred to the Committee on Military Affairs.

He also presented a petition of 20 members of "Our Young People's Christian Union," of Elizabeth, Pa., praying Congress not to make an appropriation to the World's Columbian Exposition except on the condition that the gates be closed on Sunday; which was ordered to lie on the table.

Mr. COCKRELL. I present a memorial adopted by Encampment No. 98, Union Veterans Legion, of St. Joseph, Mo., July 20, 1892, in which the memorialists state that—

While this encampment, composed only of men who enlisted for three years or during the war prior to July 1, 1863, and were honorably discharged for any cause after at least two years' continuous service, or at any time discharged by reason of wounds received in the line of duty, will not dispute the fact that there are meritorious cases where charges of desertion ought to be removed, it is not probable, nor is it possible, that the thousands of applications now being filed at this late date have any merit whatever, and if granted will do great injustice to those who served faithfully and well, and who look upon their honorable discharge as the highest prize they inherited by reason of their services that can be handed down to future posterity as the most valued and appreciated heirloom: Be it therefore

Resolved, That this encampment enters a protest against the removal of charges of desertion except upon evidence that the case is a just and meritorious one, and when the person so charged had returned to duty after the charge of desertion had been recorded or had been by error or some frivolous technicality charged with such offense.

I move that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SHERMAN. I present a petition of the Universal Peace Union of the United States, praying for the establishment of an international tribunal of arbitration. As a part of the petition there is the draft of a bill, which I shall introduce when that order is reached. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FELTON. I present a memorial of District Assembly No. 66, Knights of Labor, and Federation of Labor Unions, praying for the passage of House bill No. 8537, limiting the time of labor on public works to eight hours per day. I move that the memorial lie on the table, and be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

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

A bill (H. R. 8971) granting a pension to Mary J. Corcoran;

A bill (H. R. 1759) granting a pension to Ellen Goff;

A bill (H. R. 1784) granting a pension to James Reed, jr.; and

A bill (H. R. 8693) granting a pension to Katie Allen.

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

A bill (H. R. 4385) to pension Nathan Falkner, of Saline County, Ark.;

A bill (H. R. 8310) granting a pension to Robert S. Campbell, veteran of Seminole war, 1837; and