

do not want to make any comparison on that line, but it seems to me that an expression of that sort is unparliamentary, unbecoming, and entirely out of place. That is parliamentary language, is it not? There is another set on that side of the House, radiating out from the gentleman from Maine—

A MEMBER. What do you mean by a "set"?

Mr. STOCKDALE. Well, another corps; that is better. The gentleman from Maine, when he rises to speak, stands over there, looks over to this side of the House and says: "Let us do this by the rules of common sense," all the time insisting that the Democratic side of this House are without knowledge on the subject. And then some smaller men will rise and say that we are ignorant on the Democratic side. The gentleman from Iowa [Mr. HEPBURN] made a discovery the other day. He found a decision of the Supreme Court that has been read in this House at least forty times. He had just discovered it, I presume; and he said the Democratic side was densely ignorant, and then he proceeded to read that decision of the Supreme Court, which had been frequently and ably discussed in the House, in order to inform this House what the Supreme Court had decided, and then remarked that gentlemen on the Democratic side seemed to be densely ignorant. And I must say that a number of gentlemen on this Democratic side of the House, when the gentleman from Maine tells them that, stand about him taking it all in, and laughing with an expression of great admiration on their faces.

A MEMBER. How about Abram Hewitt?

Mr. STOCKDALE. Oh, I suppose the gentleman from Maine made a speech over there, and I suppose Hewitt caught the infection from the gentleman from Maine, and thought that as that gentleman had said something smart he would imitate.

Mr. REED. Probably both were pretty accurate.

Mr. STOCKDALE. I have no doubt the gentleman from Maine thinks so; and if he can succeed in getting a Democratic Speaker to count a quorum of this House his poor opinion of us would disappear; and then the gentleman from Maine would be enabled to decide a question which his mind has been poised upon for some time; and that is whether God made him or he made God. [Laughter.]

Now, Mr. Chairman, this provision which the gentleman from Illinois wants to strike out is clearly a reduction of the expenses of the Government and within the province of this committee.

Mr. SAYERS. I hope we shall now have a vote.

Mr. DINGLEY. I think this is a matter of so much importance that it ought to be a little more fully understood before the vote is taken.

The CHAIRMAN. No further debate is in order unless another amendment be offered.

Mr. DINGLEY. I move to amend by striking out the last word. I wish to inquire of the chairman of the committee, who is in charge of this bill (because I was ill when the matter was considered in the full committee), whether the appointments in the Coast and Geodetic Survey are now made under civil-service rules?

Mr. SAYERS. I can not say whether they are or not.

Mr. ENLOE. I do not think there is any law governing that matter. I never heard of any law that governed the Coast and Geodetic Survey.

Mr. SAYERS. One hundred and thirty-eight persons are authorized to be employed; and the number who entered under the processes of the civil-service law for 1893 was 17.

Mr. DINGLEY. Only 17 were appointed under civil-service rules?

Mr. O'NEIL. Seventeen during the year 1893.

Mr. SAYERS. There were 17 out of the whole force, as I understand, who were appointed under civil-service rules.

Mr. DINGLEY. The question I have propounded will be recognized, I think, as an exceedingly important one in regard to the effect of this amendment.

If the effect of the amendment is practically to take from under the operation of civil service rules all these appointments—and they are now under civil-service rules except as to certain scientific appointments—the head of the Bureau and some others—of course its effect may be far-reaching. I should like to know definitely, and I think the Committee of the Whole would also like to understand the situation of the Coast and Geodetic Survey in this respect.

Mr. SAYERS. It was not the object of this clause to interfere with the civil-service law at all in this respect.

Mr. DINGLEY. I take it for granted it was not.

Mr. SAYERS. And if the gentleman has any apprehension as to the effect of this clause upon those who are employed in the Coast Survey under civil-service rules, I am perfectly willing that he should suggest an amendment which will remove all doubt upon the subject.

I wish to say further that, so far as I am concerned, my only ob-

ject was to reduce the expenditures of the office force. I believe there are too many people there. For instance, the Blue Book shows that there were as many as 11 messengers employed at one time in that office. I thought that the Secretary of the Treasury, in connection with the Superintendent of the Coast and Geodetic Survey, might rearrange the force of this Bureau so as to reduce the cost \$18,000. That was my only purpose.

Mr. DINGLEY. I have no doubt that the purpose of the chairman of the committee in this matter was exactly as he has stated; but my inquiry was as to what the effect might be; whether this legislation might not go much further than the chairman had intended it should go.

Mr. SAYERS. Would it not be the duty of the Secretary of the Treasury, in rearranging his force, to observe the civil-service rules?

Mr. DINGLEY. That was one of the inquiries I proposed to make.

Mr. SAYERS. I should think it would be.

Mr. DINGLEY. On having my attention called to this matter—for as I have stated, I was absent on account of illness when the bill was being considered by the full committee—I telephoned a few moments ago to the head of the Coast and Geodetic Survey asking how appointments are made; and I have this answer:

All the clerical force and most of the scientific are under civil service.

That is the response of the head of the Bureau. I wish to say that in my judgment no greater misfortune could befall a scientific department like this than legislation which would tend to take it out of the nonpartisan position which it has heretofore held and place it under any circumstances in such a position that these appointments should be made for partisan reasons.

Mr. ENLOE. May I ask the gentleman a question?

Mr. DINGLEY. Yes, sir.

Mr. ENLOE. In reference to the telephonic message which the gentleman has just received from the Superintendent of the Coast Survey, does the gentleman know whether or not the Civil Service Commission has ever held any examination—

Mr. DINGLEY. I do not.

Mr. ENLOE. For the establishment of any eligible list with reference to this Bureau; or does he know whether there have been appointments made in the Coast and Geodetic Survey under civil-service rules?

Mr. DINGLEY. I have no personal knowledge in the matter at all. The only information I have is contained in this answer to my telephonic inquiry.

Mr. ENLOE. My understanding is that the force over there has not been subject to civil-service rules; that the officers in charge have not been in the habit of consulting the Civil Service Commission as to who should be appointed or who should be removed. I think the employés of that Bureau have not been under the protection of the civil-service law, and that no regard has been paid to that law in making changes there.

Mr. DOCKERY. I think there must be some mistake in the message which the gentleman from Maine has just read, because the document from which the chairman of the committee [Mr. SAYERS] has quoted is a report made by the Secretary of the Treasury to the joint commission under date of May 24 last, in which he states that at that time only 17 employés out of 138 were under civil-service rules. Now, if this report was correct, there must be some error in the statement which the gentleman from Maine has just read.

Mr. DINGLEY. I will say to the gentleman that while my telephone message was forwarded to Prof. Mendenhall, this answer is not signed by him, and it may have come from some other person in that office.

Mr. ENLOE. I do not wish to be misunderstood about this matter, or to misrepresent anything. I have no doubt but that the clerical force is under the civil-service rules, but I do not believe that any other portion of the force of that office is under the civil-service rules.

Mr. DINGLEY. This statement is that all the clerical force and most of the scientific are under the civil service.

Mr. ENLOE. I do not believe that.

Mr. DOCKERY. Their report to us is incorrect, if that is true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. There was an understanding, Mr. Chairman, that when we reached any of these important points there should be an opportunity for more general debate.

Mr. SAYERS. I ask unanimous consent that the gentleman from Maine have ten minutes.

Mr. DINGLEY. I do not know that I shall occupy all of the ten minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] asks unanimous consent that the gentleman from Maine [Mr.

DINGLEY] be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. DINGLEY. I simply desire to say, Mr. Chairman, that I am in entire harmony with any proposition to reduce the force in any of these bureaus or departments where it can be done without injury to the public service. Even the reduction that was made here I did not propose to antagonize, but my attention has been called to what might be the effect of this amendment with reference to the appointment of these officials, and I simply desire to satisfy myself, and I presume the committee desire to be satisfied, as to whether in this legislation we were changing in any manner the mode of appointment of these officials in the Coast and Geodetic Survey.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. DINGLEY. Yes.

Mr. SAYERS. I will agree, and I suppose the committee will agree, that the gentleman may insert a proviso that nothing in this provision shall affect the operation of the civil-service law upon that Bureau as it now operates.

Mr. DINGLEY. A proviso of this kind:

Provided, That appointments in the Coast and Geodetic Survey shall be made under the civil-service rules.

Mr. WILLIAMS of Mississippi. That would be extending the civil-service law to this Bureau.

Mr. DINGLEY. I refer, of course, to those who come within the provisions of the law, whose salaries are between \$900 and \$1,800. I simply want to be sure that we apply the civil-service rules to the Coast and Geodetic Survey.

Mr. ENLOE. I want to ask the gentleman if he contemplates, by the adoption of this amendment, if it should be adopted, that it will vacate all the positions in the Coast and Geodetic Survey.

Mr. DINGLEY. I am not certain about that.

Mr. ENLOE. I do not think it would. I think it would give power to reorganize, where not in conflict with the civil-service laws.

Mr. DINGLEY. I supposed that was the intention.

Mr. ENLOE. I think that is the effect of the amendment.

Mr. HOOKER of Mississippi. Mr. Chairman, it is impossible to hear what gentlemen are saying. I ask that there may be order on the floor.

The CHAIRMAN. The committee will be in order.

Mr. ENLOE. I do not think the gentleman from Maine [Mr. DINGLEY] wishes to incorporate anything into this legislation which would change the operations of the civil service law.

Mr. DINGLEY. Not at all.

Mr. ENLOE. Or which would place a construction upon this act that would require the Secretary, or even authorize him, to vacate all these offices.

Mr. DINGLEY. Not at all. I simply desire that, as to officers whose salaries bring them under the civil service rules, they shall be appointed under those rules. That is all I desire.

Mr. SAYERS. I understand that the gentleman from Illinois [Mr. HOPKINS] would like to speak, and I ask the gentleman from Maine [Mr. DINGLEY] to allow him to address the committee while the gentleman from Maine [Mr. DINGLEY] prepares his amendment, and then he can consume the remainder of the time which has been accorded to him.

Mr. ENLOE. I ask the gentleman to yield to me a little time.

Mr. HOPKINS of Illinois. Mr. Chairman, what I desire to ask the attention of the committee to, is the language of the bill itself, which authorizes the Secretary of the Treasury to reorganize that office by the reduction of the office force, by the reduction of the number or compensation, or both, of employés.

Under existing law the officials in any of the great Departments who have charge of matters of that kind can reduce a clerk from a \$1,200 position to a \$1,000 position; but there is no warrant in the law that would permit the party who has this authority, whether it be the Secretary of the Treasury or one of his subordinates, to make a \$1,200 position into a \$1,000 position. That can only be done by legislation.

Now, the obnoxious feature of this proposed legislation is this, that while there are some fifty or sixty positions under this bill with salaries ranging from \$4,000 to \$900, if this amendment of mine is voted down, and the bill as reported by the committee is adopted, it gives the Secretary of the Treasury the power of saying that a Government officer, who holds a position to-day where he draws a salary of \$3,000 and has drawn that salary for a number of years, must perform all the duties of that office for \$2,000; and that a person who holds a position under existing law, and draws a salary of \$1,500, must hereafter perform the duties of that office for \$1,000.

This bill would permit the Secretary of the Treasury to say that the salary of \$5,000, which has just been voted by this House to the Superintendent of this Bureau, can be reduced to \$3,000. Now, it seems to me, Mr. Chairman, that no such power as that should be given to any executive officer of the Government.

When I used the word "coward," as I did, to which exception was taken by the gentleman from Mississippi, it was in connection with this: that if this House desire to reduce the salaries of any of these officers in that Bureau, it is within the province of the members here, by their votes, to make such reductions, and they should not shirk that responsibility by throwing it upon the Secretary of the Treasury in the manner proposed in the pending bill.

Now, I do not believe this legislation is constitutional. As I stated to the gentleman who was in the chair when I made the point of order, under the Constitution of the United States the legislative department of the Government is vested in the House and the Senate, and in no other branches of the Government. This legislation proposes to confer that power upon the Secretary of the Treasury; and I believe, if this should be adopted, and the Secretary of the Treasury should undertake to reorganize this Bureau as contemplated here in the language which I seek to have stricken from the bill, that it would be impossible for him to do it, and that any of these officers who are drawing the salaries voted to them to-day in this bill, by presenting their claims in the Court of Claims could collect their salaries from the Government, notwithstanding the action taken by the Secretary of the Treasury.

And I believe, Mr. Chairman, that if the Secretary of the Treasury should undertake to abolish any of these offices, such as the assistant superintendents, of whom there are a number drawing from two to four thousand dollars each, they would have the power to collect their salaries in the Court of Claims even if this language should be adopted, for the reasons that I have stated.

Now, with this staring us in the face, it seems to me that the proper and reasonable and sensible thing to do is for this House to determine just what shall be done in the reorganization of this Bureau. If, as the gentleman who is in charge of this bill states, there are eleven messengers and only five are needed, then cut off six of these messengers by only making appropriations for five; and if there are any other offices that are filled that are not necessary for the proper discharge of the duties assigned to that Bureau, then let the chairman of this Committee on Appropriations, who has apparently investigated this subject, indicate which of these offices can be abolished with benefit to the Government and a saving to the Treasury, and let the House take that responsibility.

Mr. DINGLEY. Mr. Chairman, I now offer an amendment, somewhat in the line suggested by the chairman of the committee [Mr. SAYERS], to come in on page 23, line 4, to be inserted after the word "ninety-five."

Mr. ENLOE. I reserve all points of order on that amendment until I hear it read.

The amendment offered by Mr. DINGLEY was read, as follows:

Provided, That nothing herein shall be construed to affect the civil-service rules now applicable to the Coast and Geodetic Survey."

Mr. ENLOE. I shall make a point of order on that unless the gentleman modifies it so as to read "in so far as now applicable."

Mr. DINGLEY. That is just what it says. I have shown my amendment to the chairman of the committee. It simply preserves the existing status of things with reference to the civil-service laws.

Mr. ENLOE. I understood it to read "now applicable." I ask that the amendment be again reported.

The amendment was again reported.

Mr. ENLOE. I insist that the amendment should read "in so far as now applicable." I do not propose to admit that they are applicable. I do not know whether they are or not.

Mr. DINGLEY. There is no objection to that. That does not change the meaning.

Mr. STOCKDALE. Does the amendment contemplate, if this bill passes, authorizing the Secretary of the Treasury to reduce this force; that if he shall find an entirely competent employé who is not under the civil-service rules, and one who is incompetent, who is under the civil-service rules, that he shall be required to retain the incompetent man and discharge the competent one?

Mr. DINGLEY. Oh, no; the gentleman is well aware that under the civil-service rules the head of a Department may remove.

Mr. STOCKDALE. He can do it for cause; but where there is a reduction of the force, can he remove employés who are under the civil-service rules, under that amendment?

Mr. DINGLEY. If the force is not needed, there is no restriction under the civil-service rules.

Mr. STOCKDALE. I understand removals must be for cause.

Mr. ENLOE. This will be cause enough, if it passes.

Mr. STOCKDALE. If the effect of this would be as I have suggested, then I would be in favor of the amendment of the gentleman from Illinois [Mr. HOPKINS].

Mr. ENLOE. Mr. Chairman, the amendment which the gentleman from Maine [Mr. DINGLEY] has just offered, demonstrates to the House the unwise of its course this morning in voting down an amendment which directed an investigation into the workings of the Coast and Geodetic Survey. Here are gentlemen coming up on all sides and confessing that they are absolutely ignorant of the rules and laws that govern the existence of this Coast and Geodetic Survey.

It is one of those sacred institutions that has grown up under the Government, one that is clothed about as with a garment of sanctity and science; and whenever you talk to a member of Congress about science, he immediately retreats, because he is afraid he will be entrapped into a position where his ignorance on the subject will be demonstrated; and, therefore, rather than know anything about it, he will shut his eyes and close his ears and refuse to hear or to know anything in regard to a scientific bureau.

There is not another bureau of this Government with reference to which there are not some members on this floor who can get up here and tell you all about its operations.

Here is a Bureau about which there is such dense ignorance that no member can be found who is rash enough to attempt to say what law governs it.

The Committee on Appropriations confessedly knows nothing about it. This committee is trying to cut the appropriation in the dark. The Superintendent would not enlighten them, and the House refuses to turn on the light, so we are all in the dark as to details; and now the committee wants to shift the responsibility of investigation and reorganization to the Secretary of the Treasury.

When it comes to this Bureau, no gentleman on this floor can tell you what law governs it.

Mr. WILSON of Washington. It is the Treasury Department rules of 1886 which govern this Bureau, as signed by the Secretary of the Treasury and approved by the President.

Mr. ENLOE. I understand it is under the control of the Treasury Department, but I understand furthermore that the Secretary of the Treasury has heretofore, in dealing with this Bureau, been just about as impotent as Congress has been, and frequently as ignorant.

To illustrate what a fraud it is, I will say that since this Administration came into power naval officers have been denied the credit in the maps for the work they did. The Coast Survey not only denied the credit to the naval officers for the work they did, but they impudently placed on the maps or charts the work to the credit of the Coast and Geodetic Survey. The charts appeared to be the work of the Coast and Geodetic Survey, and not the work of the naval officers who performed it.

The naval officers objected to this, and the Secretary of the Navy protested to the Secretary of the Treasury against this fraud, and the Secretary of the Treasury made an order that the rule heretofore governing in that Bureau should still control in the printing of the maps, and the credit for the work should be given to the naval officers who did the work, and not to this fraudulent Coast Survey, which did not do the work, but which was attempting to usurp the credit for it.

Mr. CANNON of Illinois. Mr. Chairman—

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

Mr. CANNON of Illinois. I beg pardon. I thought the gentleman had concluded.

Mr. ENLOE. I have not quite concluded. I understand that not only was all this work that gentlemen talk about here done by the Navy during the last year, or nearly the entire hydrographic work, but I understand that 35 per cent of the officers of the line in the Navy have served in this Coast and Geodetic Survey and are familiar with this work.

They are the men who are doing it to-day, and they are the men who ought to be authorized by law to do it. Instead of making an appropriation to the Coast Survey, with the pretense that it does the work, and at the same time devolving the work on the naval officers, and taking a portion of the appropriation of the Navy Department to do it with, we ought to go at it directly and place it where it properly belongs, under the control of the Navy Department. I regret exceedingly that there should be any institution in this Government that can so hedge itself about, either with the fear of gentlemen that they may expose their ignorance if they inquire into it, or with its patronage, or in any other way, that the House of Representatives will vote down a proposition to investigate the methods of its operation.

The work on the Coast Pilot is done by naval officers. The hydrographic work is done by naval officers. The topographic work along the shore has been done as well and can be done as well by naval officers. The Coast Survey work in every civilized country in the world except the United States and Portugal is done by naval officers. Our naval officers do this work on all foreign coasts. Annapolis and Annapolis is turning out young men every year ready for this work. The Coast and Geodetic Survey has won this fight to-day, but this is not the end of it. It must go to the Navy Department where it belongs, and it will go there before this fight is ended. I expect to renew it next year and every year while I remain in Congress until this reform is accomplished.

[Here the hammer fell.]

Mr. CANNON of Illinois. Mr. Chairman, so far I have taken no part in the discussion touching the appropriation for the Coast and Geodetic Survey. I do not know that I should do so now, yet I will say a word.

I have discovered, in the making of this bill, and in the temper that was displayed toward the Coast Survey, especially in the Committee of the Whole, and generally in the atmosphere, that there was an intention upon the part of some gentlemen of the powers that be to reorganize this Survey. One step looking toward the reorganization was the reduction of the salary of the head of this Bureau from \$6,000 to \$5,000.

I know the head of this Bureau slightly, having come in contact with him when this bill was prepared during the Fifty-first Congress, and after there had been some unfortunate scandals, and perhaps some reason therefor, some years prior to that time, in this Bureau. But for a long time the salary has been \$6,000, and I have not any doubt that it ought to be \$6,000 for anybody who is competent to be at the head of this Bureau. The present head of the Bureau made the impression upon me that he is competent to fill the position.

Mr. HOPKINS of Illinois. Will the gentleman yield to me for a question?

Mr. CANNON of Illinois. Yes.

Mr. HOPKINS of Illinois. If this language which I seek to have stricken from the bill by the House should be adopted, is it not in the power of the Secretary of the Treasury to still further reduce his salary from \$5,000 to \$3,000?

Mr. CANNON of Illinois. I suppose so. But I discovered as I thought a tendency to place this important Bureau, which is chiefly instrumental in making surveys of the coast, in making charts, and doing work that is important to the lives and property of our people engaged in the commerce and navigation of our country, and that certain expenses were—

Mr. STOCKDALE. I would like to ask the gentleman a question?

Mr. CANNON of Illinois. Let me finish this sentence. I thought we discovered a tendency to take this Bureau, which ought to be a competent and scientific Bureau, and make it a mere political appendix; and from that standpoint \$6,000 is too much for the head of the Bureau; \$5,000 is too much if a mere politician is going to be at the head of the Bureau. If the head of the Bureau is not to be one competent for this work, I think \$2,500 would be enough. So that if this policy is to be pursued toward this Bureau, why then let them bring it down to the compensation that somebody should have who simply seeks a place. In my judgment, if the Bureau is not properly organized and properly conducted, with the best possible material to do this work necessary for the protection of the lives of our people and the commerce of our country, not only of our Navy, but of the merchant marine also, then I would be glad to see it properly organized. In my judgment, the Bureau is doing pretty good work, and I think we should let it alone. But if the enemies of the Bureau are to have their way and the real efficiency of the Bureau is to be impaired, then cut it all you please and make it as cheap as you can; and if you cut the salaries down to not more than \$800 or \$1,000 a year each, you will not do more than you ought.

Mr. HARTMAN. Mr. Chairman, an amendment was proposed the other day by the gentleman from Indiana to the general appropriation bill which is solely new legislation, and which the gentleman himself admitted was subject to the point of order. That amendment was proposed to the act of March 3, 1891, to the provision of which I invite the attention of the committee:

All entries under the pre-emption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificate issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers or incumbrancers, for a valuable consideration, shall, unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance.

Now, Mr. Chairman, under that law I wish to state to this

House a very large number of claims have been made in which the parties have received their final receipts, and there are a great number of these claims that have passed to innocent third purchasers. A great many of these claims have had money loaned upon them, upon the faith of that law, which is now sought to be amended; and the effect of which amendment will be to absolutely disturb, unsettle, and overturn the titles of hundreds and thousands of pieces of property in this country. I refer particularly to the town site of Great Falls, in the State from which I hail. Now, Mr. Chairman, this is the amendment which the gentleman from Indiana [Mr. HOLMAN] brings in on an appropriation bill:

Provided further. That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the passage of the act of March 3, 1891, and any person who initiated contest prior thereto shall have the right, upon cancellation of the prior entry, if by virtue of his contest, to enter the tract involved under any of the land laws of the United States prior to the date of said act of March 3, 1891, if he was legally qualified to make such entry, and as if said act had not been passed.

The effect of that amendment, Mr. Chairman, is simply this, that where final receipts have been given and the certificates issued for them where the parties have placed improvements upon them, where they have been sold to bona fide third purchasers for value, where money has been loaned upon the strength of their title, which is conferred in this act, all these titles will be unsettled; and in this very case that I refer to, and in the case of Jasper, in the State of Minnesota, there are land-grabbers standing ready to take them, and one of them is a man who has just been released from the penitentiary for land frauds.

The purpose is to give possession of these lands, held by these parties in good faith, by initiating a contest under the provisions of this amendment. I do not know for what purpose it was done, or what inspired the introduction of that amendment in an appropriation bill. I make no reflection upon the distinguished gentleman from Indiana, for whom I have a great regard; but certainly to change the land legislation on an appropriation bill is highly inappropriate to the subject-matter contained in the bill.

Now, then, Mr. Chairman, I desire very briefly to call the attention of the committee to something which was not presented to this committee, and which we had the right to have presented to us in the consideration of that amendment. I want to say, furthermore, that had I known that this amendment was to be presented, I would have raised the point of order, or had it raised by some friend. I invite the attention of the committee to a letter of the Commissioner of the General Land Office, bearing date December 14, 1893, and a letter of the Secretary of the Interior, bearing date of December 15, 1893, in which those officers absolutely report against these two bills which contain substantially the provision contained in this amendment. Here are the letters, and with the permission of the committee, I will read them.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 14, 1893.

The Honorable the Secretary of the Interior:

SIR: I have the honor to acknowledge the receipt, by your reference, for report thereon in duplicate of House bill No. 4458, present session, entitled "A bill to amend section 7 of 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891," which bill was transmitted to you by the honorable the chairman of the Committee on Public Lands, House of Representatives, "with the request that you give * * * your opinion as to the propriety of passing the same, and inform the committee of the number of cases that would be covered by the amendment."

It is stated further in the letter transmitting the said bill that "the mover of it (Judge HOLMAN) introduced during the last session bill H. R. 3373 upon the same subject, but desires to insist upon the 4458 instead of that," and the desire is expressed that "you will consider the two together."

In regard to H. R. 3373, last session, the same is also now before me by your reference for similar report, having previously been sent to you for report thereon by the chairman of the House Committee on Public Lands.

Considering the two bills together which have been referred, the intention of both appears to be to conserve or effectuate the preference rights of contestants under the act of May 14, 1890 (21 Stat., 140), so far as the same is or may be adversely affected by anything contained in the seventh section of the act of March 3, 1891, or by any legal construction thereof.

As to this purpose of the two bills it is respectfully submitted whether a law can now be enacted which would defeat a confirmation and right to patent previously accruing to the entryman under the act of March 3, 1891, as held by the Department. (See 12 L. D., 571, *Gerlach v. Kindler*; 13 L. D., 292, *Axford v. Shanks*; 16 L. D., 46, *Nawrath v. Lyons et al.*; 16 L. D., 78, *United States v. Hull*.) I am of opinion that if either of the bills proposed should become a law, the effect would be an attempt to defeat rights already confirmed under the seventh section of the act of March 3, 1891. In that view, I find the proposed legislation objectionable, and recommend that neither bill be enacted into law.

All papers are herewith returned.

Very respectfully,

S. W. LAMOREUX, Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1893.

SIR: I transmit herewith report of the Commissioner of the General Land Office on House bill 3373, "declaring the construction of an act named therein," and House bill 4458 "to amend section 7 of 'An act to repeal timber-culture

laws, and for other purposes,' approved March 3, 1891," which was referred to be considered in connection with the first-mentioned bill.

These two bills accomplish, substantially, the same purpose, which is to declare that nothing in section 7 of the act of March 3, 1891, shall be construed to apply in its provisions or to affect any case where a contest is pending in the Land Department prior to the passage of the act of March 3, 1891, and that any person who initiated a contest prior thereto shall have the right, upon cancellation of the prior entry, by virtue of his contest, to enter the tract involved under any of the land laws of the United States prior to the date of said act of March 3, 1891, if he was legally qualified to make said entry, as if said act had not been passed.

The practical effect of the bills is to declare that a contestant is an adverse claimant within the meaning of the 7th section of the act of March 3, 1891. Said section provides as follows:

"All entries under the pre-emption, homestead, desert-land, or timber-culture laws, in which final proof or payment may have been made and certificate issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers or incumbrancers, for a valuable consideration, shall, unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance."

In construing this section, it has been uniformly held by the Department that a mere contest pending against an entry at the date of the act of March 3, 1891, where no priority is claimed, or any other right, except the preference right of entry that may be secured by the successful prosecution of the contest, is not such an adverse claim originating prior to final entry as will defeat the confirmation of the entry, where the land has been sold or incumbered prior to the 1st day of March, 1888, and after final entry to bona fide purchasers or incumbrancers, for a valuable consideration, and where no fraud has been found on the part of the purchaser.

Under this ruling a large number of cases have been held to be confirmed under the provisions of said act and have been patented. If the ruling of the Department is the true construction of the act, the cases that are subject to confirmation would not, in my judgment, be affected by the proposed legislation, which would be merely an attempt to defeat rights already confirmed under said section.

I therefore concur in the recommendation of the Commissioner of the General Land Office that the bill be not passed.

Very respectfully,

HOKE SMITH, Secretary.

HON. THOMAS C. MCRAE,

Chairman of Committee on Public Lands, House of Representatives.

During the reading of the foregoing the time of Mr. HARTMAN expired.

MR. HARTMAN. I move to strike out the last word of the pending section.

MR. SAYERS. I suppose all the gentleman desires to do is to put those letters in the RECORD.

MR. HARTMAN. I should like to have the letter go into the RECORD; and I wish to state before I take my seat that the Commissioner of the General Land Office and the Secretary of the Interior absolutely repudiate these provisions which were presented the other day in the form of this amendment. I think that the committee is entitled to know that it has the condemnation of those officers.

MR. TAWNEY. I ask that the time of the gentleman be extended for five minutes.

MR. WISE. I object.

MR. HARTMAN. I move to strike out the last word.

THE CHAIRMAN. The Chair can not recognize the gentleman on that motion.

MR. HARTMAN. I ask that the remainder of the letters may be printed in the RECORD.

There was no objection, and it was so ordered.

MR. McCLEARY of Minnesota. Mr. Chairman, I rise to endorse the position of my friend from Montana [Mr. HARTMAN]. In the five minutes allowed me I have only time to suggest a few considerations which I must be satisfied not to elaborate.

The avowed purpose of the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] is to correct an error, to right a wrong. The act sought to be amended was passed March 3, 1891. Had this amendment been proposed March 4, 1891, there would probably have been no objection to its passage. But now, more than three years later, the situation is different. It may have been a mistake not to include such a provision in the act on March 3, 1891, but to insert such an amendment now would be a much more serious mistake.

That act became operative immediately after its enactment. It was and is a statute of repose. Under this act large sums of money have in good faith been invested in land.

It is granted, Mr. Chairman, that there may be a conflict of equities in this matter. This being granted, the question for us to determine which of equities is the greater and what action is most in accord with good public policy. On the one hand we have the equity of the contestant, who frequently is a man whose only expenditure of time, money, or labor has been that necessary to pry into the record and find some technical defect in a title.

On the other hand, we have the equities of those who in good faith have put their money, as well as their time and talent, into the land and improvements. We must decide between equities that are merely prospective and those that are real and substantial.

As one illustration of the great wrong that may be done by the

passage of this amendment, I cite the instance of the village of Jasper, in my district. The land upon which it stands contains valuable stone quarries. These have been developed at great expense. The men working in them have built their modest homes. Numerous places of business have been erected. The village has a bright future. With the law as it now stands all will be well.

But the addition of this amendment will bring a cloud over every home; and for whom and what? For a man who, as I understand it, has done nothing to build up the town, and whose only claim to recognition is the allegation that he has found somewhere back in the record a technical error or omission. By leaving the law as it is he loses nothing; while by passing the amendment we run the risk of taking away all the worldly possessions of people who, placing full faith in the records and decisions of this Government, have created the village of Jasper.

This illustration, Mr. Chairman, is, I take it, typical. And it seems to me that good public policy is against the amendment, and I trust that when the matter comes up in the House it will be defeated.

Mr. WILSON of Washington. Mr. Chairman, there seems to be considerable confusion and doubt as to the wisdom of the amendment proposed by the gentleman from Indiana. In his remarks when the amendment was up for consideration he stated that it was approved by the Commissioner of the General Land Office and the Secretary of the Interior. He understood at that time that it would apply only to contests that had been initiated, and that the repeal of the timber-culture act would leave those people in a condition that they could not avail themselves of timber-culture entries. He also understood that it would affect only about twenty-five entries. Now, if the fact is as it appears to be, that it will affect a large number of entries throughout our Western country, are we to have any opportunity to reconsider?

The CHAIRMAN. It can not be reconsidered. The only way will be to vote it down in the House.

Mr. WILSON of Washington. Then, Mr. Chairman, I give notice, if such notice is proper at this time, that when this proposition comes up in the House we shall ask for a separate vote upon it. I do not wish to detain the committee now, but this is a matter that ought to be looked into. If the gentleman from Indiana were present we might go on now and discuss it for ten or fifteen minutes and perhaps come to a conclusion about it, but as he is unavoidably absent we can not do that. If we can not do better, we will ask for a yea-and-nay vote on the amendment in the House.

Mr. SPRINGER. I want to say in justice to the gentleman from Indiana [Mr. HOLMAN], who is not present at this moment, that I had a conversation with him in regard to this amendment, and at that time he supposed it related to only a few entries. The object of the amendment, as understood by him at the time, was merely to put the contestants in the condition in which they would have been if the repealing act had not taken effect, simply to remit them to the rights which they had before that repealing act took effect. Now, it is possible and undoubtedly true, as stated here, that since that time, in view of the legislation and of the dismissal of those contests, other persons have acquired rights, and hence the matter has become complicated. I think, therefore, it is well enough that at some subsequent time we should consider the question more fully.

Mr. TAWNEY. Is it not a fact that the effect of this amendment will be to give the contestant a prior right of entry over the contestee?

Mr. SPRINGER. The intention was simply to give these parties the rights they had before the repealing clause went into effect.

The CHAIRMAN. This amendment has been already passed upon by the committee, and this debate is all out of order.

Mr. MAHON. Mr. Chairman, I desire to say a word in reply to the remarks of the gentleman from Tennessee [Mr. ENLOE] about the "ignorance" of members on this side who voted against his amendment.

Mr. ENLOE. I hope the gentleman will not confine it to that side. [Laughter.]

Mr. OUTHWAITE. Of course it is understood that all the intelligence and all the purity are concentrated in the gentleman from Tennessee. [Laughter.]

Mr. MAHON. I believe there are some men on the floor who understand this subject quite as well as the gentleman from Tennessee. Under the act of 1843 this Bureau was reorganized, and that law is in existence to-day. Under the plan of reorganization the Treasury Department and the President of the United States established in 1887 a well-digested set of rules, which not only control the appointment in the Bureau but prescribe the qualifications which men must have who fill those appointments, and my impression is that those rules having been

adopted in 1887, long after the Civil Service Commission went into operation, this Bureau is not under the civil service, but is under the rules and regulations made and approved by the Treasury Department and the President of the United States.

Mr. ENLOE. What does the gentleman think, then, about that telephone message which was read here by the gentleman from Maine [Mr. DINGLEY]?

Mr. MAHON. I do not know anything about that. I am talking from the books and not from any mere *ipse dixit*. The assistants and the subassistants are appointed by the Secretary of the Treasury. All the aids are appointed with his approval. They must be men not only well qualified physically for the places, but they must be men who have graduated at some scientific college such as prepares its graduates for the kind of work done in that Bureau. Where would you find a commission in the United States qualified to examine men for that intricate and delicate work unless you took the very men who have been trained in the Bureau? Now, Mr. Chairman, under this plan thirty well-considered, carefully digested rules have been prescribed regulating the appointment, the pay, and the qualifications of all who are employed in that Bureau, from the Superintendent down, and putting them under the control of the President and the Secretary of the Treasury.

Mr. ENLOE. Does the gentleman understand that the clerical force employed in that Bureau is not subject to the civil-service rules?

Mr. MAHON. I am not talking about the clerical force; I am talking about the men employed in the scientific work.

Mr. ENLOE. I agree with you about that.

Mr. MAHON. I make the assertion that this Bureau is open to every member of Congress and to every citizen of the United States who wishes to inspect it, and that it is as well conducted under these rules and regulations as any Bureau in the city of Washington. Every dollar that it expends must be reported to the Auditor of the Treasury, who audits the accounts of the Bureau and holds its officers to a strict account. Now, Mr. Chairman, why disturb this Bureau in its present relations? It is to-day absolutely under the Treasury Department, and if any gentleman will read these rules with care, he will come to the conclusion that there is no necessity for any further legislation in regard to this Bureau as to its work in detail or its control. Therefore I voted against the amendment of the gentleman from Tennessee on the information I had obtained from the books and from the record of the Department.

Mr. SAYERS. Mr. Chairman, I hope we shall now have a vote. The amendment of the gentleman from Maine [Mr. DINGLEY] comes first, being intended to perfect the text.

The CHAIRMAN. The Clerk will report the matter which the gentleman from Illinois [Mr. HOPKINS] proposes to strike out.

The Clerk read as follows:

And the Secretary of the Treasury shall reorganize the said office force by the reduction of their number or compensation, or both, so as to bring the whole of said compensation within the sum of \$125,000 for the fiscal year 1896, and he shall submit estimates in detail for the said office force, as reorganized hereunder, in his annual estimates to Congress for the fiscal year 1896.

The CHAIRMAN. The Clerk will now report the amendment of the gentleman from Maine [Mr. DINGLEY].

The amendment was read, as follows:

Provided, That nothing herein shall be construed to affect the civil service rules in so far as applicable to the Coast and Geodetic Survey.

The CHAIRMAN. The amendment of the gentleman from Maine [Mr. DINGLEY], which is intended to perfect the text, takes precedence of the amendment of the gentleman from Illinois, which is to strike out.

The question being taken, the amendment of Mr. DINGLEY was adopted.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois to strike out the paragraph.

The question was taken, and the Chairman declared that the noes seemed to have it.

Mr. REED. I ask for a division.

The committee divided; and there were—ayes 51, noes 95.

Mr. REED. I think we ought to have a quorum on this. It appears to be a party measure.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Texas [Mr. SAYERS].

The committee again divided; but before the count was completed the following took place:

The CHAIRMAN. Does the Chair understand that the point of no quorum is withdrawn?

Mr. HOPKINS of Illinois. Mr. Chairman, I ask unanimous consent that the vote on the consideration of the motion that I have made be postponed until to-morrow morning.

Mr. SAYERS. It is understood also, Mr. Chairman, that no

further debate shall be had upon this matter without unanimous consent.

The CHAIRMAN. Does the gentleman move that the committee rise?

Mr. SAYERS. No, sir. I simply agree that the vote on this matter be postponed until to-morrow morning.

Mr. CULBERSON. What is the proposition, Mr. Chairman?

The CHAIRMAN. The proposition is that the vote on this matter be postponed until to-morrow morning, the point of no quorum to be withdrawn.

Mr. REED. No. The point is not withdrawn except for that purpose.

The CHAIRMAN. The point of no quorum is not withdrawn?

Mr. REED. Not except for that purpose. I am willing, as a part of the unanimous consent, that this matter may go over until to-morrow morning, and that the rest of the bill be now proceeded with.

The CHAIRMAN. Then the point is withdrawn temporarily.

Mr. REED. It is temporarily withdrawn, for the purpose stated.

The CHAIRMAN. The point of no quorum is withdrawn on condition that unanimous consent is given for the postponement of the consideration of this question until the next legislative day. Is there objection?

There was no objection, and it was so ordered.

The Clerk resumed and concluded the reading of the portion of the bill relating to the Coast and Geodetic Survey.

The CHAIRMAN. The next matter reserved is on page 63 of the bill.

Mr. SETTLE. I ask unanimous consent to offer an amendment to a paragraph on page 35.

Mr. SAYERS. I object.

Mr. SETTLE. I will state to the committee that at the time the part of the bill which I wish to amend was read in committee, I was temporarily and unavoidably absent from the House; otherwise I should have asked to be heard at that time.

Mr. CANNON of Illinois. What is the provision?

Mr. SETTLE. The provision I wish to amend is that which appropriates \$50,000 to the use of the Internal Revenue Department for the purpose of detecting and punishing violators of the internal-revenue laws. The reason I desire to be heard on this matter now is that the testimony on which this appropriation was allowed by the committee—

The CHAIRMAN. Debate is not in order unless the gentleman gets unanimous consent.

Mr. SAYERS. When we come to the appropriations for the judiciary I will give the gentleman a chance.

Mr. SETTLE. Mr. Chairman, I have an understanding with the gentleman from Texas that when another portion of the bill is reached I shall be allowed an opportunity to be heard on this matter. Hence I do not press it just now.

The CHAIRMAN. Does the gentleman withdraw his request for unanimous consent?

Mr. SETTLE. Yes, sir.

The Clerk read as follows:

Under Missouri River Commission: For improving Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks and gauges, \$750,000, \$50,000 of which may be used for removal of snags and other like obstructions in the Missouri River above Sioux City, Iowa, to be expended under the direction of the Secretary of War.

Mr. BRODERICK. Mr. Chairman, when I asked the other day to have this item passed over, my object was to ascertain a fact which I had been unable to ascertain up to that time, and to give the Committee on Rivers and Harbors opportunity to consider a question which that Committee had then before it. The Missouri River is one of the most treacherous and destructive streams in this country. No one except those personally acquainted with the character of that stream can have the least conception of the destruction and waste that is now going on there at some points. For the purpose of information I desire to have read from the Clerk's desk a newspaper clipping which does not in the least exaggerate the facts, which indeed does not state them as strongly as truth would warrant.

The Clerk read as follows:

INTO THE RIVER—JUDGE HORTON'S LAND HAS BEEN WASHED AWAY AT ATCHISON—THE BIG MUDDY IS NOW FAST ENCROACHING UPON THE TRACKS OF THE SANTA FE—MANY FARMS ALREADY GONE—THE BIG BRIDGE AT ATCHISON IN GREAT DANGER OF BEING CUT OFF.

The Missouri River at Atchison is on another rampage. One of its latest acts was to wash away 40 acres of valuable land belonging to Chief Justice Horton, on what is known as Tottes Island, just above Atchison. But this is only a very small part of the "Big Muddy's" depredations.

About 3 miles east of Atchison, in Buchanan County, Mo., is a chain of lakes. Five years ago the erratic river showed signs of uneasiness and

threatened to leave its channel and take a shoot down through these lakes. Congress was importuned, and by a system of ripraping, at a cost of \$150,000, the channel was kept within its proper course.

The dikes put in five years ago were not permanent, however, and as they wore out, the big stream began working its way back into Missouri's shore. When the ice went out of the river a few weeks ago, the last one of the dikes went with it. The river then made another break for freedom through the Missouri lakes. It made a cut across the end of the island, eating up the land of Judge Horton, then attacked the farm of Mrs. James Fisk, in Missouri. This lady had 160 acres, and all that is left now is 6 acres. Charles Siler has lost 90 acres, and the houses of all the farmers in the vicinity have been moved back several times. Now the river is within 200 feet of the Santa Fe tracks at Pawpaw Junction. This station is used jointly by the Santa Fe, Burlington, and Rock Island, and the three roads are actively preparing to move their tracks back to the bluff to escape the big Missouri.

The people of Winthrop, just opposite Atchison, have refused to pay their taxes this year. They say they will hold on to their money until they find that their land is secure. They do not believe in paying taxes upon land in the middle of the Missouri River.

Mr. BRODERICK. I now ask that my amendment be read. The Clerk read as follows:

Insert after line 1, page 61, the following words: "seventy-five thousand dollars of which, or so much thereof as shall be necessary to strengthen banks and improve the river, shall be used at and near Atchison, Kans., and at Leavenworth, Kans."

Mr. BRODERICK. The clipping just read from the Clerk's desk—

Mr. SAYERS. Mr. Chairman, I reserve a point of order on that amendment, as it changes existing law.

Mr. BRODERICK. The clipping just read gives some idea of the urgency which exists—

The CHAIRMAN. The impression of the Chair is that discussion upon the amendment had begun before the gentleman from Texas rose to reserve the point.

Mr. SAYERS. The gentleman offered his amendment and was proceeding to discuss it; but just as soon as I could get the Chair to recognize me I made my point.

Mr. REED. The gentleman from Texas rose in time to make the point. I took notice of that fact.

The CHAIRMAN. Had the gentleman from Kansas [Mr. BRODERICK] proceeded to discussing his amendment after he had offered it?

Mr. BRODERICK. I had the clipping read before offering the amendment.

The CHAIRMAN. The point of order will be reserved.

Mr. BRODERICK. Mr. Chairman, the clipping which has been read gives some idea of what has been going on at the point referred to. The Missouri River Commission has been applied to to give some relief; but the chairman of the commission says they have no means of giving relief without special legislation. Up to this time, at any rate, they decline to do anything at either Atchison or Leavenworth without special legislation.

Now, the Missouri River, as is well-known by most members from the West, is of very little use as a commercial highway. About all that can be done for it and for that country is the protection of its banks and the preservation of its bridges, thereby enabling the people living along that stream in the different States to carry on interstate commerce. There are very few steamers that go up the stream, so few that when one is expected at Kansas City the fact is advertised in advance, and I understand the people of the city go down to the river's bank to see the steamer as a curiosity.

Thus it will be seen that this river is comparatively worthless as a highway of commerce. The repair of these places where the banks are breaking and property is thus being destroyed is about all that the commission can do to aid the people along that stream. I hope the amendment will be adopted. For the information of some gentlemen who did not hear the amendment read I will state that it does not ask for an additional appropriation; it does not increase expenses in any way; it only proposes to set aside \$75,000 of the appropriation named in the bill for work at the points named.

Mr. CLARK of Missouri. Are not all these expenditures of money on the Missouri River made now under a law of Congress providing that the Missouri River shall be improved by stretches or reaches, or whatever else the technical term may be?

Mr. BRODERICK. I think that the commission may use a portion of the money at its discretion. Last fall there was some work done at St. Joseph. Under the law 25 per cent was to be reserved from the continuing contracts. I understand that a portion of that 25 per cent is now on hand, but most part of it has been expended at the points where the banks are being broken. But there is no place on the river where there is such an emergency as at Atchison and Leavenworth.

[Here the hammer fell.]

Mr. MERCER obtained the floor.

Mr. CLARK of Missouri. I would like to ask the gentleman from Kansas [Mr. BRODERICK] another question.

Mr. MERCER. I will yield for that purpose.

Mr. CLARK of Missouri. Does the gentleman from Kansas

know anything of a scheme being on foot to induce that Missouri River Commission to spend money this year up about St. Joseph and Leavenworth, instead of down at the mouth of the river, where it ought to be spent.

Mr. BRODERICK. I did not hear the whole of the gentleman's question.

Mr. CLARK of Missouri. I say, do you know anything of a scheme being on foot to divert the expenditure of the appropriations for the improvement of the Missouri River this year, from the lower portion of the river, from Jefferson City to its mouth, and to expend the money in the neighborhood of St. Joseph and Leavenworth?

Mr. BRODERICK. I know of no scheme except to get the appropriation for these points where the river is cutting the banks. That is all I am interested in.

Mr. MERCER. I send to the desk an amendment in the form of a substitute for the paragraph.

Mr. SAYERS. My point of order is that the amendment of the gentleman from Kansas [Mr. BRODERICK] changes existing law; and I presume before a substitute can be offered it will be necessary for the Chair to rule upon the point.

The CHAIRMAN. The point of order can still be reserved.

Mr. SAYERS. I reserve a point of order also on the proposition of the gentleman from Nebraska [Mr. MERCER].

Mr. PICKLER. I desire to offer an amendment to the text.

The CHAIRMAN. The gentleman from Nebraska [Mr. MERCER] has the floor.

Mr. MERCER. I ask that the amendment I have sent to the desk be read.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out the whole section referring to the Missouri River Commission, and substitute therefor the following:

"Under Missouri River Commission: For improving Missouri River from its mouth to the south line of Sioux City, Iowa, including salaries, clerical, office, traveling and miscellaneous expenses of the Missouri Commission surveys, permanent bench marks, and gauges, \$740,000; \$50,000 of which may be used for the removal of snags and other like obstructions in the Missouri River above Sioux City, Iowa, and from the south line thereof; to be expended under the direction of the Secretary of War; and \$150,000 of which shall be expended in the construction, repair, maintenance, and extension of revetments, dikes, and other works between the mouth of the Platte River, in Nebraska, and Sioux City, Iowa."

Mr. MERCER. Mr. Chairman, the people of Omaha and Council Bluffs have been buffeted from pillar to post by the Missouri River Commission and by the Committee on Rivers and Harbors for so these many days, and we are very uncertain as to whether the relief so often prayed for will ever be granted. That these cities are entitled to assistance no one denies. The Commission and the committee are both profuse in sympathy, but very slow of action. There is a system of labor being performed by the Missouri River Commission to-day which has passed beyond the comprehension of the average man who resides along the Missouri River north of Jefferson City. It seems that there is a 16-mile stretch near Jefferson City into which money has been poured for the last three or four years in enormous quantities; and during the next year I believe a large sum is to be expended upon this same reach. It is high time that other parts of the river receive some attention. At the present rate of work performed Omaha will be reached in two hundred years.

Now, members on this floor have informed me that the banks at the mouth of the Missouri River need some improvement, that there is damage being done there, and that something should be done by legislation for the protection of the banks of the river at that point. I know that the same condition of affairs exists at Omaha and Council Bluffs, and if the Government is determined to expend so much money each year for the improvement of rivers and harbors this money should be spent where the greatest good will be done to the greater number of people.

I am told by the Committee on Rivers and Harbors that it is the policy, as adopted in the Fifty-first Congress and pursued since, that the Missouri River must be improved from its mouth up and toward its source. If that is so, why is not that policy pursued with reference to the mouth of the river, and why is a jump of one hundred and twenty or one hundred and thirty miles north made to one particular spot, overlooking, as it were, intermediate territory? I take it, Mr. Chairman, that if the Missouri River Commission has the discretion which the law says it has, and if it desires to do justice to the commercial centers along the river, that Commission will see to it that the banks and property along the Missouri River at commercial points are protected, and not that one part or reach of the Missouri River should receive thousands and thousands of dollars, to the detriment of other parts of the river. At the cities of Omaha and Council Bluffs there is \$10,000,000 worth of property depending upon legislation favoring improvement of the Missouri River banks at these places. The people of these cities have expended

in times gone by in the neighborhood of \$600,000 in improving the Missouri River banks.

The Omaha Smelting Works have expended thousands of dollars in protecting the banks in front of their property. The Government has expended \$120,000 at or near Council Bluffs; and if something is not done by this Congress through legislation to compell the Missouri River Commission to protect this work at Council Bluffs it will be wiped out of existence, and that much money will be thrown away.

Now, Mr. Chairman, what I desire is that this Congress shall recognize the fact that there are some places along the Missouri River needing attention outside of that 16-mile reach, for which so much has already been done. There is something at the mouth of the Missouri River that needs attention. Omaha and Council Bluffs need attention, and Sioux City needs attention. Recognize the principal cities along this river in an equitable manner, and complaints will be few and far between. If this can not be done we had better abolish all river commissions and deal with these troubles direct.

Again, Mr. Chairman, with reference to the point of order that the gentleman raises, I desire to say that my substitute reduces this appropriation \$10,000. And again, the substitute is perfectly germane to this section. I do not think the point of order raised by the gentleman from Texas [Mr. SAYERS] is well taken, and I trust this House, in all fairness, will see to it that the parts of the Missouri River which most need protection shall be recognized in this bill, and at this time.

Mr. Chairman, I desire to call the attention of this House to the following statement pertaining to this matter:

CHICAGO, November 19, 1892.

IMPROVEMENT OF THE MISSOURI RIVER.

Omaha reach—Florence to Union Pacific Railway bridge. The characteristics of the Omaha reach are known from surveys for the United States which have been made with more or less regularity since 1877. These surveys show very fully the succession of changes in shore lines and river bed, and the general surveys carried over the river in 1878 and 1890 develop the character of the river above and below. The last survey, made for the purpose of this report in October of this year, shows the location of the river bed and of the main shore lines as they now exist.

The object sought is the fixation of the river in a proper course on account of the very large and growing property interests in the twin cities of Omaha and Council Bluffs that would be menaced by any material change. The interests of commerce are also concerned in a permanent location at the bridge crossings. Such works as are required for these objects promote in the highest degree the navigability of this reach as a part of the general improvement of the Missouri River.

The Omaha reach extends from Florence to the Union Pacific Railway bridge, a distance of 10 miles. The general or average width between the shore lines at ordinary high water is 2,200 feet, or about 800 feet in excess of the average width across low water and low bars. This general width, however, does not represent the proper width of the river, or that really necessary for the flow of the stream, but rather the space over which the stream has wandered in recent years, or during the time required for bars to build up, become covered with vegetation, or a growth of willows and cottonwood, and be regarded as fast land. On the whole, the changes due to the cut-off of 1877, just above the smelting works, have worked themselves out; and generally the course of the river and its stability have steadily improved up to the time of the October survey. Material changes from natural causes in the future are likely on the whole to be disadvantageous to improvement, and highly detrimental to very important interests that are adjusting themselves to the course the river is now shaping.

The same favorable conditions do not obtain above or below. Above Florence the rapid cutting of the point of the bend on the east shore throws the stream lower down against the bluffs, and this action can not continue indefinitely without producing radical changes in the bend below Florence and altering the conditions at the northwestern dikes so as to greatly disturb the course below, the ultimate effect of all of which can not be foretold. This danger is by no means remote, and the adoption of remedial measures should not be delayed. Below Omaha bridge such changes are occurring as indicate an uneasy disposition of the river, and between that point and Plattsmouth radical changes have occurred in recent years and are now occurring which, in the readjustment that must follow, are a serious menace to the Omaha Reach.

In 1879, prior to the St. Marys cut-off above the mouth of the Platte, the distance by the course of the river from the Omaha bridge to Plattsmouth bridge was 33½ miles. In 1890 this distance had shortened to 24 miles, a decrease in length of about 27 per cent. During the same time no material change in length occurred in the river above from Omaha to Blair. The general experience with the river is that notwithstanding cut-offs and wanderings the length between fixed points, say 100 miles apart, will not in time show material alteration; in other words, that any shortening or other abrupt development is local and temporary. The river may wander and change its course, but the substantial length and average characteristics prevail. It is also believed that radical changes for the most part find their normal readjustment up stream.

These lessons of experience are in harmony with sound theory. It is obvious that the energy of the stream or the work which it can do is measured by the fall in a given distance. The fall per mile between Omaha and Plattsmouth has been increased by over one-third, and this surplus of energy will occasion wandering and spreading until sooner or later it works itself out in recovered length.

In the conditions favored the recovery of this length below Omaha, then the menace might not be serious to the Omaha Reach. They do not appear favorable, and no judgment can be formed as to whether the river will or will not, in the early future and in a brief season, take on comparative stability in the region of present instability with a transfer of slope and unstable conditions up stream. Should this occur, it is a question as to whether the Omaha reach could stand the strain of this surplus of energy until it had worked through to the river above, which is in a much more susceptible condition. If the Omaha reach was well secured throughout in a fair course of moderate width, unquestionably the transfer of any undesired conditions would be effected without material local damage.

The Omaha reach has not undergone recently other than the ordinary changes normal to the Missouri River as a result of flood seasons and the enormous amount of material shifted in its bed. At the present time the course as a whole, is very favorable to further improvement. The bend below Florence is a proper shape for bank revetment, and certain dike work should be done on the left bank, opposite and below Florence, with a view to better controlling the direction of the stream into the bend and building up the low and broad bar, and which extends well down towards the northwestern dikes. The course at and above the northwestern dikes is favorable and should be made permanent in the present position. From this point down to the point of bend opposite Omaha, the Council Bluffs or left bank has been revetted for a distance of 5 miles. This bend has a pocket which should be masked by a dike in order to insure stability of course below in the 2½ miles approaching Omaha.

Aside from the holding of the concave banks in their present position, the situation reduces to a control of the run into the bend at and below Florence, fixation of the river at the northwestern dikes, and a masking of the pocket above the new railway bridge. It would be well also if in training the river the bend above the smelting works and in the approach to the highway bridge could be corrected by a course farther out and with less curvature. Property interests would be materially served thereby, and no doubt of themselves will in time bring about an easier course.

The question of allowable width is of importance, as a greater width than the proper requirements of the stream encourages wandering or change of channel, and affords better opportunity for unstable conditions to be effective. From a pretty full consideration of the matter for the entire river and extending through several years, 817 feet was fixed between Sioux City and Plattsburgh, and this may be safely adopted for any local requirement, and no doubt fixed banks that distance apart would be sufficient for the needs of the stream. This will seem to some who have not give any consideration to the matter of cross-section and scour as affected by variations in stage of water, as very narrow, and the more conservative width of 1,000 feet at ruling points will be entirely safe and probably more expedient.

If the width is controlled and fixed at a ruling point it will usually take care of itself in the bends lying between or require slight aid in building up the bars and reducing the section to the normal width, and thus broad areas will be recovered from the wandering river course to become in time fast land.

On the other hand, should nothing further be done to the Omaha reach we may expect the following results:

1. Changing conditions at Florence which will give rise to a shifting river in the bend below with heavy bank erosion and frequent bar changes.

2. A dropping down of the river's course below the northwestern dike and such a direct assault on the revetment as would probably destroy the same and confuse the course of the river below.

3. Shifting into and out of the pocket above the new bridge with a corresponding variation of the river in its approach to Omaha and difficult control of the channel at the bridge site.

All these conditions are favorable as furnishing points of attack in case of complication arising by which the unstable conditions below Omaha should be transferred into the Omaha reach.

It may be confidently stated that the Omaha reach is in better shape at this time than for many years past, and that future conditions and changes will be detrimental and possibly result in instability of a radical character. For these reasons it should at once be fully secured in a proper course by works of a substantial character.

The map of the October surveys shows clearly the place of the stream, the height of bars, and the course of the main banks. It bears out fully the conclusion that the ruling points are at Florence, the northwestern dikes, and at the pocket, 2½ miles above Omaha, the variations at these points being most largely responsible for the wandering channel and the varicose conditions below.

The matter of improvement will only be referred to in its general features, as the cost in advance of a knowledge of what the specific conditions will be when the funds are actually available and the specific plan that should be applied at each locality can not be stated except in its limits.

The several works will be referred to in what seems their natural order of development as affecting the several interests to be guarded.

1. *The Pocket.*—This will require a substantial system of dykes and cross-dykes, by which the pocket is to be recovered and a new shore line established which will continue the bend above on a fair curve so that the river will follow the Iowa shore to the vicinity of the new bridge, about three-fourths of a mile below the pocket. The longitudinal dyke for the new shore line will have a length of 4,000 to 5,000 feet and about an equal length of cross-dyke will be required, all estimated to cost \$75,000.

2. *Florence Bend.*—This should have a substantial revetment from Florence down for about 3 miles, and the present bank line seems to be very favorable. How far the situation may be changed by another high water can not be told. This work should all be carried out in one season and will cost about \$120,000.

3. *Northwestern Dikes.*—The river should be here trained and secured in a definite course so as to give an easy run into the bend below without direct assault on the banks. How permanent the revetment below the dikes may be I can not say, but it would require to be of the most unusual character to withstand direct and changing assaults. The proper and easy control below demands a fixed course in this locality. Probably a mile will require training and securing at an estimated cost of \$60,000, although this estimate is subject to many contingencies.

4. *Florence Dikes.*—On the Iowa shore, opposite and below Florence, a mile of work may be judicious with a view to giving positive direction to the stream in Florence bend. The character and amount of work at this point is necessarily tentative in view of developments above, but an estimate of \$60,000 should be sufficient for the probable requirements.

The foregoing aggregates \$300,000. There may be incidental work which it would be judicious to undertake. These works, however, cover what is required to put the reach under control, though it might be well to increase the estimate to \$350,000 to cover unforeseen contingencies.

Other works may properly follow, but as they will be more local and of a character to fix banks in more detail and build up bars, and must be projected in view of results that may follow the works outlined, no estimate is submitted. They will all be beneficial in more definitely fixing and securing the river and in determining its width and will be aided largely by the bank interests.

The question of what should be done in the short bend above the smelting works has been alluded to, but no project is submitted, as this locality does not appear to be specially menaced. No doubt a material change could be made which would be beneficial to the river and of advantage to property interest, and the depth of the underlying rock would seem to favor a correction. It is a matter requiring more and special study in view of the proximity to the two bridges.

Very respectfully submitted,

L. E. COOLEY, Consulting Engineer.

To ARTHUR S. POTTER, Omaha, Nebr.

Mr. SAYERS. Mr. Chairman, I have arranged the questions of difference respecting the Coast and Geodetic Survey; and in

order that that part of the bill may be closed up, I ask unanimous consent of the committee to return to it and to consider this amendment, which is entirely satisfactory to the Committee on Appropriations.

Mr. DINGLEY. I think it is satisfactory to both sides.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to return to the part of the bill with reference to the Coast and Geodetic Survey for the purpose of offering an amendment.

Mr. PICKLER. I desire to ask what becomes of this subject that we have under consideration.

Mr. SAYERS. We will immediately return to it.

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. SAYERS] will first be reported, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

Strike out the words from the word "and," in line 24, page 22, to and including the word "within," in line 2, on page 23, and insert the following:

"And the Secretary of the Treasury shall reduce the number or compensation, or both, of said office force so as to make the whole of said compensation equal to."

The CHAIRMAN. Is there objection to recurring for the purpose of considering this amendment.

There was no objection.

The CHAIRMAN. The question is on the amendment which has just been read.

The amendment was agreed to.

Mr. REED. Now the motion to strike out offered by the gentleman from Illinois [Mr. HOPKINS] ought to be negated.

Mr. SAYERS. My understanding is that the unanimous consent to consider this amendment disposed of that.

Mr. REED. That is all right if it is so understood.

Mr. WILSON of Washington. Mr. Chairman—

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] was recognized.

Mr. PICKLER. I yield to the gentleman from Washington [Mr. WILSON].

The CHAIRMAN. The gentleman from Washington [Mr. WILSON] is recognized.

Mr. WILSON of Washington. Mr. Chairman, a day or two ago my esteemed friend from Mississippi took me somewhat to task in a kindly way—

Mr. HOPKINS of Illinois. Mr. Chairman, just a moment—

Mr. WILSON of Washington. Mr. Chairman, if that matter is settled, and I have the floor, I would like to be advised of it.

Mr. REED. It is not quite settled yet.

Mr. HOPKINS of Illinois. Mr. Chairman, the amendment offered by the chairman of the Committee on Appropriations was to take the place of the motion I made; and in view of its adoption I will withdraw my motion.

The CHAIRMAN. What does the gentleman refer to? The pending amendment was offered by the gentleman from Kansas.

Mr. SAYERS. But this has reference to the Coast and Geodetic Survey. The language that has just been read is the language that was agreed upon.

The CHAIRMAN. The amendment offered by the gentleman from Texas, by unanimous consent, was adopted.

Mr. REED. And then the motion of the gentleman from Illinois [Mr. HOPKINS] is withdrawn.

The CHAIRMAN. The Chair thought that amendment had been finished.

Mr. SAYERS. It has.

Mr. HOPKINS of Illinois. My motion was still pending as an amendment when this amendment was offered.

The CHAIRMAN. The gentleman's motion for what?

Mr. REED. The motion of the gentleman from Illinois was to strike out the paragraph; but the paragraph having been amended to suit him, he withdraws the motion to strike out, and that leaves it as the Chair understands it, there remaining simply a technical difficulty that the Chairman has to get over.

Mr. COGSWELL. Do I understand that that matter is now closed up? I want it to go on record.

Mr. HOPKINS of Illinois. It is.

The CHAIRMAN. Wait a moment. Let the Chair see.

Mr. SAYERS. It is closed.

Mr. COGSWELL. I understand it is so, but the decision of the Chair would make me feel happier about it.

The CHAIRMAN. Now, the gentleman from Illinois withdraws his motion to strike out?

Mr. HOPKINS of Illinois. Yes.

Mr. DOCKERY. That disposes of all that portion of the bill.

The CHAIRMAN. Information is given to the Chair that the gentleman from Illinois withdraws his motion to strike out the paragraph on pages 22 and 23. Is there objection to the request to withdraw that motion? [After a pause.] The Chair hears none.

Mr. SAYERS. Now, that closes up the portion of the bill relating to the Coast and Geodetic Survey.

The CHAIRMAN. The amendment is withdrawn.

Mr. COGSWELL. And we do not return to the Coast and Geodetic Survey.

The CHAIRMAN. That is all there is of it. The committee is now considering the Missouri River Commission.

Mr. WILSON of Washington. Mr. Chairman, a day or two ago my esteemed friend from Mississippi [Mr. CATCHINGS], in a kindly way, took me somewhat to task for exhibiting some little degree of sectionalism upon the floor of this House. I rise to assure the gentleman from Mississippi that no member upon this floor is actuated with less sectionalism than I am. I certainly wish, so far as I can, by my voice and by my vote, to contribute in every way and in every manner possible to that which will bring prosperity and happiness to the people of his State and to all sections of the South; but I can not resist the temptation to make a comparison between the twelve favored projects brought in upon this sundry civil appropriation bill and the practical damage done to the people of the section I have the honor in part to represent.

Now, sir, when we go before the Committee on Rivers and Harbors to seek some appropriations for my State, with 1,900 miles of shore line with vast rivers and harbors, we are told to take our station at the end of the table and to be brief. We are then told, after we have made an argument, that we can only have one-fifth of the estimates recommended by the engineers of the United States; and yet when we come in with this bill on the floor of this House, what do we find? We find that the appropriation recommended, not by the engineers of the United States, but by civilians almost, men appointed for political reasons, these projects receive what—5, 10, 15 per cent? No! They receive 100 per cent, or every dollar they have requested. I call the attention of the House and the committee to the report before the subcommittee which considered the sundry civil bill. It will make interesting reading when placed in the RECORD. At one point a major of the engineers testified as follows:

Q. The amount asked for Hay Lake is \$150,000. How much have you got on hand?

A. Four hundred and twenty-five thousand dollars.

And when the honorable chairman of this committee, thinking of the condition of the Treasury, and desiring to avoid making appropriations that are unnecessary, asks—

Q. Why don't you use that amount?

He goes on further and says:

A. Because it freezes in winter, and we can not work all the time.

Will it not freeze next winter, gentlemen of the committee? And so, I say, taking the Mississippi River Commission for example, when we came to the consideration of that in the committee we ascertained that there were no estimates before the committee for any appropriation; and this report says:

Will you not very kindly send in an estimate for the Mississippi Commission?

Mr. Chairman, when you or I, or any other member of the House, goes before the Committee on Rivers and Harbors, he knows if you have no estimates you can not have a single dollar; but you have kindly sent out and got an estimate, and the result is \$2,000,000 appropriations on the sundry civil appropriation bill. I say, gentlemen, it is unfair; it is unjust. It is inequitable to every other section of the country. I ask that the portion of the country which I have the honor to represent shall be treated in the same way and in the same manner as the section of every other member upon this floor is treated. If it is to be 5 per cent, let us make it 5 per cent for all. Now, look at it for instance. Distinguished gentlemen come and say we are ungenerous to the South. They come in preaching economy, they come in preaching reform, and yet here is a tabulated statement of the appropriations that have been made for rivers and harbors in the entire country from its organization. Up to 1890 you appropriated \$76,000,000 to the Mississippi and Missouri Rivers, and you added \$20,000,000 and over for the Gulf States.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MERCER. I ask that the time of the gentleman from Washington be extended twenty minutes.

Mr. WILSON of Washington. I only want three or four minutes more.

Mr. LOUD. Is not the gentleman speaking on the point of order, and is he not recognized for an hour?

The CHAIRMAN. The point of order has been reserved.

Mr. SAYERS. I ask unanimous consent that the gentleman be permitted to continue his remarks for five minutes.

There was no objection.

Mr. WILSON of Washington. I am always under obligations to my esteemed friend. Every day he places me under more obligation to him on this floor, and I hope the time may come

when I shall have an opportunity in some small way to reciprocate the many obligations that I am under to my distinguished friend from Texas. [Laughter.]

Now, Mr. Chairman, I would like to print in the RECORD the testimony taken before the committee. I want to place it in the RECORD to show the House, to show the country, that those who are standing here every day talking and preaching economy, by whom we are told every day we must cut down the expenditures of the Government, are bringing in appropriations for twelve favored projects when large sums remain unexpended of the appropriations made at the last session of Congress; and to say to you, sir, that you may talk about your low tariff, and talk about your high tariff, and talk about your tariff for revenue only, but so long as you gentlemen continue to appropriate \$500,000,000 every year somebody has got to pay the fiddler while they do the dancing. [Laughter.]

This money comes out of the common people. What we contend for is that while we are charged with these appropriations in the West, the only instance and the only time, the only place, the only circumstance where you have ever cut down the expenses of this Government in clerk hire in any of the Departments was in the General Land Office, where we pay every dollar of the expenditures by the fees and from the lands sold in our section. You cut down the force of the Land Office, and yet we gave you a net revenue of \$4,000,000 last year.

Mr. DOCKERY. And they were cut down on the recommendation of the Commissioner of the General Land Office.

Mr. WILSON of Washington. Yes, they were cut down on the recommendation of the Commissioner of the General Land Office, and the gentleman should have added that he was a Republican.

I say that you apply to my section of the country a rule which is unjust and unfair. We should be treated as others are treated. I propose to place in the RECORD, if I can have the consent of the committee, a tabulated statement coming down to 1890, which will show just where the money has gone. Mr. Chairman, these contracts ought to be abolished. I know it is the law, but I know, too, that when I go to my able friend, the chairman of the committee, and ask him for an increased appropriation for Olympia Harbor, he will say to me, and say very properly: "We have got to keep this bill down; we have got to keep it under ten millions. There are eight millions on the sundry civil bill charged to this bill." So others are receiving a hundred per cent while my colleagues and I are allowed only one-fifth of the Engineer's estimate. That is the unfairness of which we complain.

If the Rivers and Harbors Committee can not afford to give me over one-fifth of the estimate, then they can not afford to give over one-fifth to the Mississippi River. We have poured out \$75,000,000 there already, and I think the facts will show that it has accomplished little or nothing up to date. Again, these commissions ought to be under the Army of the United States. Let us take the civilians off these commissions and save these salaries of five or six thousand dollars a year. I know of a man from Indiana who was appointed fifteen years ago on the Mississippi River Commission just because he had been defeated for Congress, and he is still there at five thousand a year.

Mr. HENDERSON of Illinois. Yes, an intelligent gentleman, too.

Mr. WILSON of Washington. Yes, he is an intelligent gentleman. But he is like a man who came up from Virginia to look for an office, and who said he didn't know just what he wanted, but he thought he would take a "sinecure." [Laughter.]

Mr. STOCKDALE. He is the most efficient man on the Commission.

Mr. WILSON of Washington. Very likely. But when you stand up here and vote to send Indian agents into my country from Alabama and Georgia and South Carolina and Texas, you ought to be willing to agree to give up these places and let the Army officers to do the work of these commissions. Why, I am afraid they are going to depopulate Georgia before the present honorable Secretary of the Interior gets through. [Laughter.] They will not appoint any Democrats belonging to my State to any little office, even as special agent to remove a few Indians.

They sent us a gentleman only the other day, one from the State of Tennessee; and so it is all along the line, as far as the West is concerned. You are continually doing us great injustice, gentlemen. We are weak now, we are powerless now, but the time will come when we shall have votes sufficient to do something in this House, and in that day—I, speaking for my people, say that they will not be as unjust to your constituents as you are upon this bill and upon the river and harbor bill to the people that I represent.

Mr. COGSWELL. Mr. Chairman, there are many appropriation bills reported to and passed by this House. Aside from the six or seven that come from the Appropriations Committee, we

have large bills from the Committee on Rivers and Harbors, from the Indian Committee, and from the Committee on Agriculture, and I think if my friend from Washington would show to this House what his section of the country has received in all those different bills he would then be unable to complain that his constituents have been discriminated against. For instance—and only as one case upon which I can lay my hand at this moment—I have here a statement of the appropriations for land surveys for eight years, including 1893. Out of a million and a half of dollars appropriated, to be divided among twenty-six States, how much do you think the gentleman got for his State?

Mr. WILSON of Washington. I know.

Mr. COGSWELL. So do I. A little over a million and a half of dollars was appropriated for twenty-six States, and the gentleman's State got \$250,000 of that—a quarter of a million dollars.

Mr. WILSON of Washington. May I interrupt the gentleman a moment?

Mr. COGSWELL. Not for a moment just now. [Laughter.] Montana, Oregon, and Washington—I take these three Western States as my eye falls upon them—received out of that large appropriation nearly \$700,000. I do not say that they received too much, but when a man from a particular section gets up here and picks out a special item in this appropriation bill and complains that his people have got nothing in it and that some other part of the country has got too much, I think it is proper to call attention to these other appropriations. The gentleman's statement is not fair. Let him take account of all the public moneys that are appropriated from the Treasury and see if he can then claim that it has been unfairly distributed. The gentleman says, "Give me my pro rata of this bill," but would he take it on the land bill? Not for a moment.

Mr. WILSON of Washington. Yes. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. COGSWELL] has the floor.

Mr. COGSWELL. I have done.

Mr. WILSON of Washington. I wish to say, in reply to the gentleman from Massachusetts—

The CHAIRMAN. The gentleman from Mississippi [Mr. CATCHINGS] is recognized.

Mr. WILSON of Washington. Well, I will get the floor another time.

Mr. CATCHINGS. I wish to say a few words at the beginning with regard to the amendment suggested concerning the appropriation for the Missouri River. I desire to make a longer statement than I can make in five minutes, and I should like to be allowed a little more time.

Mr. SAYERS. I ask unanimous consent that the gentleman from Mississippi be permitted to speak without limit.

There was no objection, and it was so ordered.

Mr. CATCHINGS. Mr. Chairman, we have had under consideration for quite a number of years a plan proposed by the Missouri River Commission for the improvement of that river. That Commission, in the very inception of the work, urged upon Congress the absolute necessity of doing it in a systematic manner, beginning at the mouth of the river and working upward; but the River and Harbor Committee in past years, yielding to the anxiety and the solicitations of members who were interested in various localities on the river, declined to be governed by the recommendations of the Commission, and began to parcel out from the aggregate sum appropriated for the improvement of the Missouri amounts to be expended at this, that, and the other point.

As a matter of course, when one member of Congress succeeded in securing the designation of a specific sum for some particular locality in his district, it was but natural that other Representatives along the river should come and clamor for specific appropriations for localities in their districts. If you will turn to the river and harbor bill for 1888 you will find that the whole sum of \$1,000,000 carried by that bill for the Missouri River was parceled out to the different localities upon that river without leaving the slightest discretion in the Commission or leaving one single dollar to be expended in pursuance of their general plan. When the work had reached this stage it became manifest to gentlemen interested in the river, and to the members of the River and Harbor Committee, that a halt had to be called. It must be remembered that while the Missouri is a great stream, pouring annually an immense volume of water into the Mississippi, it is yet a stream substantially without commerce.

There are so few boats navigating that river that they are scarcely worth mentioning in a discussion of this kind. Now, the scheme that Congress had entered upon was to so harness and control the waters of that angry stream as to adapt it to the needs of navigation, but we had departed entirely from that

scheme and our operations had degenerated into a system which was an appeal to Congress not to make the stream navigable for steamboats but to protect private property along its banks. For, Mr. Chairman, it was not contended nor can it be contended, that the designation of particular sums contained in the bill of 1888 had any other purpose than to protect private property on the banks of the river, leaving the river itself utterly without commerce.

So we had reached a point in the history of that work when we were obliged to do one of two things—either to abandon this system of appropriating the money specifically to localities and leave the Commission the right to use it for the improvement of the navigation of the river, or else to strike the Missouri River from the river and harbor bill. And when we had reached that point we invited every gentleman in Congress who was at all concerned in that river to attend the meeting of the River and Harbor Committee and listen to the suggestions which we made in that direction. And after a full consultation the statement there made was accepted as true by those members, that we must either do one of two things—strike that river entirely from the bill, or cease this practice into which we had fallen of stripping the river commission of all authority and discretion and devoting money specifically to the preservation of private property.

In pursuance of the agreement then and there entered into, we provided in the act of 1890 for the appropriation of a general sum to be expended by the Missouri River Commission in its own discretion, leaving that Commission, however, by the express terms of the law, the power, if it chose to exercise it, to expend certain portions of the money at the harbors and localities on that river. And the act of 1892 followed in precisely similar language, appropriating a specific sum of money, with no direction or mandate whatever to that Commission, but at the same time leaving it the power, if it should choose to exercise it, to protect localities along the bank of that river.

Mr. LOUD. I should like to ask the gentleman a question, in order that I may fully understand the thread of his argument.

Mr. CATCHINGS. Certainly.

Mr. LOUD. Is it understood that this money may now be devoted to the purpose of protecting private property from the inroads of the river?

Mr. CATCHINGS. The Missouri River Commission, in its discretion, having in view that the purpose is to improve the navigation of the river, may expend certain portions of this money at different localities or at different harbors, but always—

Mr. LOUD. That does not answer my question.

Mr. CATCHINGS. I thought I answered it—always having in view that the object is to improve the navigation of the river.

Mr. LOUD. Still it is discretionary with the Commission whether they shall use this money ultimately for the protection of private property, is it not?

Mr. CATCHINGS. It is not to be assumed, Mr. Chairman, that they would exercise that discretion for any other purpose than to improve the navigation of the river.

Mr. LOUD. Then it is merely an assumption, is it? There is no law that makes any prohibition as to their use of this money.

Mr. CATCHINGS. None at all.

Mr. LOUD. The matter, then, is entirely in the discretion of the Commission?

Mr. CATCHINGS. But of course, Mr. Chairman, we must credit that Commission with the same purpose which actuates all of us—to discharge public duties faithfully and to carry out the spirit as well as the letter of the law.

Mr. LOUD. I simply wanted to get at the fact of the matter.

Mr. PICKLER. Will the gentleman from Mississippi [Mr. CATCHINGS] explain more definitely what he means by protecting private property? Does he mean rectifying the banks at cities?

Mr. CATCHINGS. I mean this: Of course, when you improve the navigation of the river, you do protect private property; but that is an incident of the work, not the main object of it. These appropriations, however, had been so parceled out that the navigation of the river had been lost sight of; and the money was confessedly and avowedly expended with no other object than to protect private property. At that period in the history of the work which I have mentioned we made the change I have described, and it has been carried on down to the present time.

Now, Mr. Chairman, if these amendments which my good friends here have suggested are to be adopted, we simply, by our own act, revert to that condition of chaos into which this work had fallen in 1890; and this presents a serious question for the House to consider. I am sure that this House would not for one moment entertain the proposition of making so radical a

change with regard to the manner in which this stream shall be dealt with without the most careful and earnest consideration. So that even if these amendments were not subject to the point of order, I would say to the House that it would do well to proceed slowly and cautiously before reembarking upon a scheme which wrecked itself in the manner I have explained, because if we are to go back to the old system of permitting the whole appropriation to be expended at specific localities under the direction of Congress, we shall have lost sight of the only constitutional power that we have to expend one dollar of money upon that river, that is for the purpose of making it useful as an artery of commerce.

Mr. MERCER. If the Missouri River Commission is pursuing the system which the gentleman indicates in his line of argument, why is it that the repairs needed to-day at the mouth of the river can not be made?

Mr. CATCHINGS. I can only answer that upon a supposition; for I have not consulted any member of that Commission as to the motives which have prompted them to spend a dollar here or a dollar there. I can only answer upon the assumption that they have seen proper to utilize a considerable portion of this money in the preservation of works which had already been constructed at certain localities approximating the mouth of that river.

Now, I sympathize very deeply with my friends on this floor who are interested in this river, and especially with my friend from Kansas [Mr. BRODERICK]. I wish it were in our power to give a sufficient sum of money for the purpose which he advocates. I think it would be wise on the part of that Commission to divert a portion of the money at its disposal in meeting the imminent danger which is now threatening at Leavenworth and Atchison. So believing, I yesterday, with the consent of the Committee on Rivers and Harbors, telegraphed to the president of that Commission, saying that it was the judgment and wish of the Committee on Rivers and Harbors that this danger should be averted if it could be done, and calling his attention to the very serious change threatened in the channel of the river.

Mr. MERCER. Are matters worse there than at Omaha and Council Bluffs?

Mr. CATCHINGS. Very much so, I think.

Mr. MERCER. I know that is not so.

Mr. CATCHINGS. I will hasten on with my remarks, because I do not wish to detain the committee too long.

Mr. PICKLER. What was the answer of the president of the Commission?

Mr. CATCHINGS. He answered that the Commission had no money under its control which it could expend for this purpose. And if you will turn to the report of the Missouri River Commission you will find that on the 1st day of January last the Commission had expended every dollar we had appropriated except the sum of \$78,000, which I presume they are retaining with a view to contingencies which are liable to arise in the prosecution of a great work like this. So the president of the Commission telegraphed back that the Commission had no money to devote to the purpose mentioned, but very clearly intimating his desire that Congress should put the Commission in possession of funds that this work might be done.

But, Mr. Chairman, if the Committee of the Whole should vote down these amendments, supposing that they do not go out upon the point of order, this question is still to be considered by the Committee on Rivers and Harbors; and if after more mature consideration and reflection we feel that we can or ought to make such a recommendation, we will insert a provision to that effect in the river and harbor bill which we expect shortly to report. I do not state this for the purpose of having my young friend from Nebraska [Mr. MERCER] who now stands before me, as handsome a picture as I ever beheld— [Laughter.]

Mr. MERCER. Thank you.

Mr. CATCHINGS. Not for the purpose of inducing him to yield a particle of his right to press this amendment; but I state it frankly and candidly because it is the simple truth, as every member of the Committee on Rivers and Harbors knows.

Mr. PICKLER. Will the gentleman repeat his statement as to the disposition of the River and Harbor Committee?

Mr. CATCHINGS. I said that the committee proposes to take under consideration carefully the propriety of undoing even in a small degree the work which we thought we had finally settled by the appropriation act of 1890, to the extent of permitting a diversion of some part of this fund at this locality and perhaps others.

My friend from Washington [Mr. WILSON], to whom I always listen with pleasure, has I think rather unjustly created the impression here, or tried to do so, that so far as these particular works are concerned, there has been some unfairness, which has resulted in undue benefit to the southern section of this country.

Mr. WILSON of Washington. Will the gentleman pardon

an interruption right there? I think he must have misunderstood me. The thing I was declaiming against was that an undue discrimination is made, so that while you get 100 per cent we get but 20 per cent.

Mr. CATCHINGS. I will take up that matter also; but it may not be amiss while we are on this question—

Mr. WILSON of Washington. I do not want you to charge Oregon to me.

Mr. CATCHINGS. I do not charge it at all. I do not charge anything to you. I am simply trying to make a frank and absolutely candid statement to the House as far as I can do so.

Mr. WILSON of Washington. I would not assume for a single moment that the gentleman would do otherwise.

Mr. CATCHINGS. I do not intend to make any statement which is not absolutely and strictly correct; and of course I know that no gentleman here would suspect me of desiring to do otherwise.

Now, Mr. Chairman, I have served upon the Committee on Rivers and Harbors for many years. My distinguished friend from Illinois [Mr. HENDERSON], who sits just on the other side of this aisle, has served on that committee from the day of its creation until now, and it has been a source of constant care and thought to us how we might deal, with some show of economy, with the great works which were pressing for improvement.

It has become manifest to us after reading the reports of the engineers from year to year, that this Government, under the system which had theretofore prevailed, had been made annually to lose many millions of dollars, and that the commerce of this country had been made to suffer by the undue postponement of the completion of the greater projects which were demanding recognition at the hands of Congress.

And so we set our minds to the solution of the problem as to how we might expedite the completion of these great works, and at the same time exercise an economy which would be felt, which would manifest itself in the saving of millions of dollars to the Treasury. We came to the conclusion in that committee, Mr. Chairman, without a single dissentient vote, that it could be accomplished—

Mr. HENDERSON of Illinois. Mr. Chairman, if my friend will allow me a simple suggestion, I would say that Senator FRYE (if I may speak of the Senate) was the first to suggest this system.

Mr. CATCHINGS. That is true. It gives me great pleasure, Mr. Chairman, to pay that tribute to the distinguished Senator whose name has been mentioned. He has to my personal knowledge been one of the most useful members of the Committee on Commerce for many years. And we have always had not only his active and earnest, but his unusually intelligent co-operation in the management of these great works.

The suggestion did come from him, and it was carefully considered by the Committee on Rivers and Harbors, and we came, as I stated, to the conclusion, without one dissentient vote, that it could only be accomplished by doing it in a business-like way, by having these great works constructed as a man would undertake to construct a great private work on his own account; and so we provided, Mr. Chairman, that within the limits of the cost of the work it should be lawful for this Government to make contracts for the continuation and completion of the work in advance of appropriations. That is why these works are spoken of as contract works.

For instance, in the bill of 1890 we took on, under this system, the harbors of Philadelphia, Baltimore, and Galveston, and the improvement of the St. Marys and Hay Lake Channels in the Great Lakes. We appropriated for all of these places in the bill of 1890 the sum of \$2,340,000, and conferred upon the Secretary of War the right to make contracts for the completion of every one of these works, to be paid for by future appropriations, to be made by Congress.

Mr. CLARKE of Alabama. And every one of those came from the Senate.

Mr. CATCHINGS. Every one of those came from the Senate. The work was inaugurated in the Senate, under the masterful leadership of my distinguished friend, Senator FRYE.

In 1892, Mr. Chairman, the beneficial result of that system had so manifested itself that again, without a dissentient voice, in the Committee on Rivers and Harbors, we placed under the contract system twelve other of the great works, Point Judith in Rhode Island, the Hudson River, the Missouri River, the Upper Mississippi, by which I mean the river from Cairo north, the harbors of Charleston, Savannah, and Mobile, the Lower Mississippi, by which I mean the river from Cairo to the Gulf, St. Johns in Florida, Humboldt in California, the Cascades on the Columbia River, a ship channel running through the Great Lakes from end to end, and the Great Kanawha in West Virginia.

Mr. LOUD. Will the gentleman yield for a question relating to the Mississippi Valley?

Mr. CATCHINGS. I am coming to that.

Mr. LOUD. The last appropriation contained \$16,030,000 for the Mississippi River and its tributaries. That is continuous. Now, the question I desire to ask is this: I brought out the point heretofore that much of this money is being used ultimately for the purpose of protecting private property; that is, to prevent the river from breaking in over the banks.

Now, we could possibly stand \$16,030,000 if that could possibly insure the completion of the improvements on the Mississippi River under this system of contracts, but we know that from the condition of the banks of that river these improvements must continue forevermore so long as the river flows to the sea.

Mr. CATCHINGS. I will resume where my friend interrupted my remarks; but I will pause to say that I do not understand what he means by saying it will take \$16,000,000 for the improvements of the Mississippi River.

Mr. LOUD. Do not the continuous contracts, covering four years, call for an expenditure of \$16,000,000 for the Mississippi River improvements?

Mr. CATCHINGS. No, sir.

Mr. LOUD. How much?

Mr. CATCHINGS. My recollection is, and I do not undertake to say that I am positive about the amount, that the appropriations for the Mississippi River from Cairo to the Gulf amount to \$10,000,000.

Mr. LOUD. Taking the whole Mississippi River?

Mr. CATCHINGS. Taking the whole Mississippi River, possibly you are correct.

Mr. LOUD. I took it from the bill at that time.

Mr. CATCHINGS. Possibly you are correct in that statement.

Now, Mr. Chairman, let me go along in the line of remarks I was about to make, and I will revert presently to the question of my friend. Taking on these twelve new projects, as I have said, in 1892 and we appropriated for them in the bill for that year the sum of \$5,952,500; and we vested the Secretary of War with power to make contracts for the continuance of those works, to be paid for by appropriations thereafter to be made; and the appropriations contained in the sundry civil appropriation bill are appropriations made to cover contracts which had been made by the Secretary of War in pursuance of the power conferred upon him. And there is the reason, Mr. Chairman, even if we were disposed to economize upon these contracts, why it could not be done without unduly postponing the settlement of obligations which have been imposed upon the Government by the Secretary of War in pursuance of authority conferred upon him.

I repeat that these appropriations upon the sundry civil bill are made for the purpose of enabling this Government to discharge obligations incurred in pursuance of authority expressly conferred by law.

Now, Mr. Chairman, one result of this new departure in the improvement of rivers and harbors has been that the improvement of the harbor of Humboldt, California, has been completed. So far as appropriations are concerned and under the contract entered into it will soon be finished in fact. The great work at the Cascades called for a large sum, which has been appropriated, though not entirely expended. It will shortly be completed without further appropriation. The great channel through the lakes, known in river and harbor phraseology as the "ship channel," has been completed. The improvement at St. Johns River is approaching completion, and now asks for no appropriation. And the same may be said as to the great works on the Kanawha. Baltimore Harbor has been actually completed for one or two years.

Mr. CLARKE of Alabama. What the gentleman means is that some of this work has not been completed, but the contracts have been made and the appropriations have been made which will complete them.

Mr. CATCHINGS. I mean to say that some of them have had sufficient appropriations to complete them, and some of them have actually been completed.

Now, Mr. Chairman, is there a member within the sound of my voice who will hesitate to give his adhesion to the correctness and safeness of a principle that permits Congress to place these great works under contracts? If they had been continued under the old practice, many years would have elapsed before they could have been completed, and in the meantime the interests of commerce would have suffered and the Treasury would have been put to much greater expense; because it must be borne in mind, Mr. Chairman, that with a single solitary exception, and that is the work at the mouth of the Columbia River, not one of the greater projects which Congress has undertaken to accomplish in the way of river and harbor improvement, certainly

since I have been a member of Congress, has been completed within the estimates originally made. The cost, wherever they have reached completion, has gone many thousands of dollars beyond the original estimate. That is simply accounted for, because we only made appropriations for rivers and harbors once in two years; and great plants were organized, required to carry on the work; and when the appropriations failed these plants were broken up, employés were scattered, the boats and dredges became of no further use; and all this was done necessarily at a very great cost.

Mr. HERMANN. If the gentleman will permit me to interrupt him right there, merely to emphasize the point he was making in favor of the contract system, I will say a contract was made for the improvement at the mouth of the Columbia River and by that means a sum almost equal to \$2,000 was saved on the original estimate and a depth of water from 17 to 30 feet was obtained and is now maintained.

Mr. CATCHINGS. That strongly corroborates the theory which pervades this contract system.

Now, Mr. Chairman, another result has been that every solitary one of these works which we have placed under contract has been completed, or will be completed, as is shown by a statement which I hold in my hand furnished to me by Gen. Casey, the Chief of Engineers, within the original estimates, while many of them have been or will be completed at a very great saving upon the original estimate. For instance, the Baltimore work was done at 15 $\frac{1}{2}$ per cent less than the average prices paid prior to placing it under contract.

Mr. WILSON of Washington. May I ask the gentleman a question?

Mr. CATCHINGS. In one moment. If gentlemen will turn to Humboldt Bay in California they will find that the whole work there has been done for \$740,660, which it was expected would cost \$1,715,115.

Mr. LOUD. The gentleman may possibly be misleading himself, or he may mislead the House, when he speaks of these works being "done." He has spoken of the work in Humboldt Harbor. I am, of course, familiar with that. The gentleman understands, I suppose, that the work there has not been completed.

Mr. CATCHINGS. I simply mean that the whole work has been contracted for. I do not mean, in any case where I speak of these works being "done," to produce the impression that they have actually been completed, that the last lick of work has been done. I simply mean that the contracts have been made for the completed work and the total cost ascertained.

Turn to the Hay Lake Channel, one of the most important points in the chain of navigation of the Great Lakes, and you find that the work there was done for \$900,000 less than the original estimate. Again, if you turn to the ship channel in the Great Lakes, you find that it is to be completed for \$1,304,000, although it was expected and estimated to cost \$3,340,000; so there is a saving of two millions upon that work alone.

Mr. BLAIR. I wish to ask the gentleman a question bearing upon these savings under the contract system. How are these wild estimates accounted for? The gentleman has mentioned an estimate of \$3 where an actual expenditure of \$1 was found sufficient. How can that be explained?

Mr. CATCHINGS. I can explain, I think, to the distinguished gentleman from New Hampshire why it is that we accomplish the work in this way for so much less money than was originally estimated. Under the old system it was perfectly understood that we passed but one river and harbor bill in two years and the people who contracted to do this work made their bids with the knowledge of that fact, and the engineer was compelled to make his estimates with a view to the character of bids which he knew from experience he would receive. But now, since we go on so continuously that the contractor can utilize every moment of the year in which he can work at all, when he knows that when he once assembles his plant he can keep it in continuous use, he can afford to bid at a much lower rate, and the reports show that the change has begotten a great crop of bidders, because these works have become very desirable for contractors, and competition is much greater than under the old system.

Mr. WILSON of Washington. The gentleman makes the point that there is a saving of expense under this contract system. Now, take Olympia Harbor, in my State, for which you have made appropriation. It is a fact that upon that coast, north of San Francisco, there is but one great dredger, and we had to bring that around by Portland to Olympia Harbor. The engineers of the United States, who seem to me to be as capable of making an estimate as any of the gentlemen who have made estimates for these twelve favored projects—

Mr. HENDERSON of Illinois. They were engineers.

Mr. WILSON of Washington. The engineers of the United States estimated for Olympia Harbor that they could use advan-

tageously \$150,000 and complete that work while the dredger was at Olympia. Now, what I am complaining of is that we get only 20 per cent of that amount, \$30,000, and the result will be that we will do that much work and then stop, and that work will not count, and we shall have to begin all over again. If it is a good thing to put these twelve favored works under the contract system in your State, or in any other State, why is it not a good thing to put such works under contracts in our section.

Mr. CATCHINGS. I can only say to the gentleman that if I had my way about it, if I were absolute master of the situation and there were no other factors to be considered, I would place every one of these works that were worthy of being done at all, under the contract system. It would result not only in great expedition, but in most abundant response to the demands of commerce, and an enormous saving to the Treasury. But, Mr. Chairman, we are a practical people and we must act as practical men when we know that we can not do these things in that way. For instance, we know that when we had \$22,000,000 in the river and harbor bill, a year or two ago, there was an enormous clamor all over the country that we were "boodlers," that we were robbing the Treasury. I say, sir, that if that bill had carried \$50,000,000 it would not have carried a dollar too much.

Therefore we have to adopt this system by degrees. But I will say to the gentleman that when we shall have completed these works, which we shall probably do by the next Congress, I believe that we can then take twelve or fifteen other works and push them to completion under the contract system.

Mr. WILSON of Washington. I trust that the gentleman will not forget me at that time. [Laughter.]

Mr. CATCHINGS. We will try to remember the gentleman.

Now, Mr. Chairman, I have a statement here which I will ask leave, it being a matter of considerable interest, to print as a part of my remarks. It is a statement made for me by the Chief of Engineers, and I am sure that gentleman will be interested in reading it.

The statement is as follows:

MEMORANDUM PERTAINING TO CONTINUOUS CONTRACTS.

Point Judith Breakwater: Estimated cost, \$1,100,000; amount of contract, \$1,100,000.

Hudson River, Coxsackie to Troy: Estimated cost, \$2,477,906; amount of contracts, \$2,152,642.50; other work needed, \$50,000; leaving a balance for contingencies, etc., of \$242,263.50. So that the work has been let well within the estimated cost.

Philadelphia Harbor: Estimated cost, \$3,500,000. The first contract failed; under this contract work was done to the amount of \$94,084.18. New contract was let for the amount of \$3,403,780; of this \$320,000 was for work ordered by Congress but not included in the original estimate, and \$142,000 for a change in the project, also ordered by Congress. Under this contract the price for dredging is 14.2 cents per yard, less than half the average price paid during the ten years on the Delaware for similar dredging preceding these contracts.

Baltimore Harbor: This work is now complete. The price in the continuing contract was 15½ per cent less than the average prices paid in the preceding ten years under the system of annual contracts.

Charleston Harbor: Estimated cost to complete, \$2,178,000; amount of contract, \$1,884,000; leaving for contingencies, \$294,000; so that the work has been let well within the estimated cost.

Savannah Harbor: Estimated cost to complete, \$3,150,000; amount of contracts, \$2,906,000; therefore, inclusive of contingencies, safely within the estimate.

St. Johns River, Fla.: Estimated cost to complete, \$397,000; contract for the entire amount.

Mobile Harbor, Ala.: The act of July 13, 1892, authorized contracts aggregating \$1,393,800; the same being \$50,000 less than the estimate for completion. One contract for the entire work has been made at the low price of 7½ cents per cubic yard, 8 per cent less than the price under the preceding contract, with an appropriation of \$350,000, and 14 per cent less than the price under which work was performed at the time the estimate was made.

Humboldt Bay, Cal.: The act of July 13, 1892, authorized contracts to complete to the aggregate amount of \$1,715,115; that being the estimated cost. One contract for the whole amount of work estimated as required has been let at prices which will aggregate for that amount of work the sum only of \$740,660; which, with contingencies and repairs during the time of construction, will probably amount to about half of the estimated cost to complete.

Cascades Canal: The act of July 13, 1892, authorized contracts to the amount of \$1,746,500; the estimate for completion. A contract for the entire work has been made, aggregating for the estimated quantities the total of \$1,521,265; showing that the work will, under that contract, be completed within the estimate made.

St. Marys Falls Canal: The act of September 19, 1890, authorized contracts to be entered into to complete the work. Several contracts have so far been made, but several more are to be entered into and advertised for, and therefore a summary statement of the whole can not yet be made. The prices so far obtained for the portions let indicate that the work will be performed within the estimate.

Hay Lake Channel, St. Marys River: The act of September 19, 1890, authorized the making of contracts to complete the entire work. Contracts have been made for all the work, and it is expected that the work will be completed for a sum fully \$900,000 within the estimated cost of the work.

Galveston, Tex.: The act of September 19, 1890, authorized contracts for the whole work. At one letting the lowest bidder failed to enter into contract. The work was again advertised, and operations are now being carried on under a contract made with the lowest bidder. The ultimate cost will depend on the length to which it may be found necessary to extend the jetties; but the loss by partial contracts would be large in quantity, in prices, and in the measure of success.

Ship channel in the Great Lakes: The project was estimated to cost \$3,340,000, and the act of July 13, 1892, authorized contracts to be entered into for that amount. Contracts are now made for the whole, and they aggregate for the estimated quantities the sum total of only \$1,304,434.38. So that the estimated quantity of work will be done for about one-half the estimate, inclusive of contingencies.

The saving in cost of a continuous contract to complete a given work over partial intermittent contracts can not be estimated simply by a comparison of figures obtained for units of material or of work. The great saving in cost arises in regard to items which can not be estimated. In many cases the actual quantities will be less for the former method. For instance, in constructing a jetty out into the sea, there will always be scour at the outer end. If the work be carried on slowly and interrupted at recurring intervals of time, the work will always be carried on in deeper water and more material will be needed.

Again, work left incomplete is always more subject to injury than completed work. Repairs are then needed, and it will be needful, too, to replace work carried away by exposure to the elements, storms, currents, etc. Then, again, the interrupted method is less fruitful in results. The measure of success which the jetties at the mouth of the Mississippi has had has been due to the fact that they were carried out rapidly to the bar which permitted the current to excavate a channel through the same, which has since persisted, notwithstanding that the outer slope of the bar has continued to progress seaward and will continue to do so always with continuing decrease of depth until the advance of the slope furnishes a foundation for the bar to form upon.

Had the work been carried on slowly or intermittently, the same maximum result would not have been reached except at greater expense, and indeed the work might have been carried on so slowly that the bar would progress about as rapidly as the work did and would cost ultimately the same amount of money with little improvement in channel depths to show for it. Still further, as a business matter, the interest account previous to paying results is a matter of no small amount.

Under the system of continuing contracts it is judged that the works will be completed in one-half the time which would be required were the work to depend on biennial appropriations and a consequent succession of contracts.

Mr. BLACK of Illinois. Will the gentleman please state just what he means by the contract system? That has not clearly appeared so far in his statement.

Mr. CATCHINGS. What I meant to say I will put in the form of an illustration. In 1890, for instance, we had before us certain work which was to be done in the harbor of Philadelphia, which, as I now recollect, was to cost something like \$3,000,000, though I may be in error as to that.

Mr. REYBURN. That is correct.

Mr. CATCHINGS. We appropriated in the bill of 1890, \$200,000 for the continuation of that work; and at the same time we provided that the Secretary of War might make contracts for the whole amount required to complete that work, the contractor, however, to wait for payment out of future appropriations. That system enables the contractor to go ahead with the work from one year to another, and with the knowledge that he will be allowed to do the whole work. He therefore arranges his plant with a view to completing the whole work, instead of a part only as under the old system.

Mr. BLACK of Illinois. I am very much obliged to the gentleman for his explanation.

Mr. SAYERS. Will the gentleman from Mississippi yield now for a motion that the committee rise? It is now nearly 5 o'clock.

Mr. CATCHINGS. I will yield for that purpose.

Mr. SAYERS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER, from the Committee of the Whole on the state of the Union, reported that they had had under consideration a bill (H. R. 5575), the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 4956) directing the coinage of the silver bullion held in the Treasury, and for other purposes; when the Speaker signed the same.

LEAVE TO PRINT.

Mr. MERCER. I ask unanimous consent to publish with my remarks in the RECORD a statement of one of the consulting engineers with reference to the work at Omaha.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. MCKAIG, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of John T. Vincent, Fifty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. COVERT, for four days, on account of important business.

To Mr. HEPBURN, for ten days, on account of sickness in his family.

To Mr. ALLEN, for ten days, on account of sickness.

To Mr. SICKLES, for five days, on account of important business.

To Mr. JONES, for five days, on account of important business.

To Mr. PICKLER, for the session of this evening, on account of important business.

To Mr. CLARKE of Alabama, for the evening session.
 To Mr. COBB of Alabama, for the evening session.
 To Mr. TALBOTT of Maryland, for one day, on account of important business.

BRIDGE ACROSS THE CALUMET RIVER.

Mr. WISE. I ask unanimous consent that the bill (S. 1424) to amend section 8 of an act to authorize the construction of a bridge across the Calumet River, approved March 1, 1893, be re-committed to the Committee on Interstate and Foreign Commerce.

There being no objection, it was ordered accordingly.

Mr. SAYERS. I ask unanimous consent that the House now take its recess until 8 o'clock.

The SPEAKER. Without objection, the recess will be taken now instead of waiting until 5 o'clock. The evening session will be devoted to business under the rule for Friday nights. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the chair. The House will now take its recess till 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read clause 3, of Rule XXVI.

The Clerk read as follows:

3. The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions, and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, under the rule just read.

The motion was agreed to.

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

ADDISON M. COPEN.

The first business in order was the bill (H. R. 1868) for the relief of Addison M. Copen.

Mr. MARTIN of Indiana. Unless the gentleman in charge of this bill is here, I ask that it be passed over without prejudice.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. TERRY. Mr. Chairman, last Friday night, when I was unavoidably absent, a bill which I had introduced was laid aside. I ask unanimous consent that I may bring it up now.

Mr. MARTIN of Indiana. Let me say to my friend from Arkansas that, while I shall not interpose an absolute objection to this request, I do not believe it is best to begin to take up bills by preference.

Mr. TERRY. I would state to my friend from Indiana [Mr. MARTIN] that he perhaps does not understand the attitude of this case. It was reached at the last Friday night session and owing to my unavoidable absence it had to be laid aside.

Mr. MARTIN of Indiana. What bill is it?

Mr. TERRY. It is the bill H. R. 2561, reported from the Committee on Pensions.

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that he is informed by the Clerk that the bill is likely to be reached in its regular order.

Mr. STALLINGS. We did not do any work last Friday night because the point of no quorum was made. I think it would be better to have the regular order.

Mr. TERRY. If the bill is likely to be reached, I will not press my request that it be taken up out of its order.

DOLLIE E. VEDDER.

The next business on the Private Calendar was the bill (H. R. 4320) for the relief of Dollie E. Vedder.

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 Dollie E. Vedder, widow of the late Capt. Simon C. Vedder, of the Nineteenth Regiment, United States Army, on the pension roll, at the rate of \$30 per month, in lieu of the amount she now receives.

Mr. STALLINGS. I call for the reading of the report on that bill.

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

The Committee on Pensions, to whom was referred the bill (H. R. 4320) granting an increase of pension to Mrs. Dollie E. Vedder, having had the same under consideration, beg leave to submit the following report:

Mrs. Vedder is the widow of the late Simon C. Vedder, who at the time of his death, December 5, 1892, was a captain of infantry on the retired list.

The soldier was appointed captain of volunteers on June 22, 1864, and be-

fore his muster out on June 14, 1865, attained the rank of brevet major United States Volunteers. During his volunteer service he was stationed at Alexandria, Va.

Mr. Vedder accepted appointment as second Lieutenant Twenty-eighth United States Infantry April 11, 1867, and was promoted to be first Lieutenant Nineteenth Infantry on March 18, 1878. He was retired from active service February 20, 1891, as a captain of infantry, on account of disability from organic disease of heart arising in line of duty.

Capt. Vedder served with his regiment in Arkansas, Colorado, and Louisiana; on signal duty at Fort Whipple, Va.; in charge of military telegraph lines in New Mexico; with his regiment in Washington Territory and in Kansas, and finally in charge of the construction of public buildings at San Antonio, Tex.

Mrs. Vedder married the soldier on November 25, 1863, and has remained his widow since his death. On December 10, 1892, she filed an application at the Pension Bureau, which was allowed January 18, 1893, at \$17 per month, that being the rate allowed by the general laws to the widow of a first lieutenant.

It is reliably shown in the testimony which was filed with the bill that Mrs. Vedder is in delicate health, with but little, if any, means of support aside from her small pension, and that what little means she had were used in paying off her husband's debts.

In view of the soldier's long and arduous services, and in the light of the widow's necessitous circumstances, the passage of the bill is recommended, with an amendment fixing the rate of pension at \$25 per month.

The CHAIRMAN. The Chair will state to the committee that this bill was amended in the Committee of the Whole last Friday night, as the Chair is informed, and the amount was reduced to \$20 per month. The question now is upon laying aside the bill as amended with a favorable recommendation.

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

MOSES W. CARPENTER.

The next business on the Private Calendar was a bill (H. R. 2561) for the relief of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran.

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 Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran, at \$15 a month.

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

The Committee on Pensions, to whom was referred the bill (H. R. 2561) increasing the pension of Moses W. Carpenter, have had the same under consideration and respectfully report as follows:

Mr. Carpenter served from June 30, 1846, to September 15, 1848, in Company C, First Arkansas Mounted Volunteers, Mexican war, and he is now receiving a pension at \$8 per month on account of said service.

The testimony accompanying the bill shows that Mr. Carpenter is 77 years old, unable to labor, and in great need. He and his invalid wife are living alone, and have no children to whom they can look for support.

In the light of the foregoing facts your committee believe that the bill is a meritorious one and its passage is recommended with an amendment, striking out the word "fifteen," in line 7, and inserting in lieu thereof the word "twelve;" so as to allow a pension of \$12 per month.

The CHAIRMAN. The amendment reported by the Clerk was agreed to last Friday evening, as the Chair understands.

Mr. TERRY. I desire to state in that connection that the bill was reported to the last Congress by the committee, who thoroughly examined into the matter, at \$15 per month. I think it is a case the circumstances of which entitle the man to \$15. He is now verging on 80 years of age. I believe it is stated that he is 77. He is really older than that, and he is in a helpless condition. He has an invalid wife, who is unable to dress herself, and these two old people live there by themselves, and have no property, real or personal. I understand the neighbors often have to go there and look after them. Fifteen dollars a month is a very small amount in such a case, and I think that the chairman of the committee which reported the bill is perfectly willing that it should pass at \$15 per month. I hope that amount will stand.

Mr. TALBERT of South Carolina. Is this man a survivor of the Mexican war or of the Indian war?

Mr. TERRY. The Mexican war. He served in a regiment of mounted volunteers, from Arkansas.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. TERRY] understand that the Committee of the Whole on last Friday night adopted an amendment reducing the amount to \$12 per month?

Mr. TERRY. No; I understood on last Friday night the committee laid the bill aside.

The CHAIRMAN. That was done after the amendment which reduces the amount to \$12 had been agreed to. The Chair is informed by the Clerk that the bill was amended, and the RECORD shows that it was. By that amendment the amount was reduced to \$12 per month. The question now is on laying the bill aside with a favorable recommendation, as amended. On last Friday night objection was raised, and it was passed over in that condition.

Mr. TERRY. I would move to reconsider the vote by which the amendment was agreed to; but I suppose that can not be done in Committee of the Whole. It might be done by unanimous consent, and I ask unanimous consent.

Mr. STALLINGS. As I understand, by the amendment which we adopted we fixed the amount in the committee at \$12 per

month. Is there not a general law on the statute books which will allow that man \$12 per month as a Mexican veteran?

Mr. TERRY. I understand that he might make application and get \$12 per month; but I think that \$15 is small enough under the circumstances. It might take the man five or six months, in the present crowded state of affairs in the Pension Office, to get his claim allowed in that way if he should make application now. I do not think \$12 is a sufficient sum under the circumstances.

Mr. STALLINGS. I would like to state to my friend that I got a bill through in three weeks.

Mr. TERRY. You are a rapid man.

Mr. STALLINGS. You ought to be just as rapid.

Mr. TERRY. I can not do as well as that without a better start.

Mr. STALLINGS. I do not see why this bill should pass here. There is a statute which gives this man \$12 a month already.

Mr. TERRY. I submit that under the circumstances of this case \$12 is not a sufficient sum, because this man is very old—

Mr. STALLINGS. But the Committee of the Whole did not seem to agree with the gentleman.

Mr. TERRY. This man is in a helpless condition, and so is his wife. They have no property whatever, and under the testimony I think if there is any case in which a man ought to have \$15, this is such a case. I ask unanimous consent that the amount in the bill be fixed at \$15.

Mr. STALLINGS. As I understand, the committee have already recommended \$12 per month.

The CHAIRMAN. The Committee on Pensions recommend \$12 per month.

Mr. STALLINGS. I mean the Committee of the Whole. I understand that there has been an amendment agreed to by the Committee of the Whole fixing the amount at \$12 per month. I understand that was done at the last Friday night session.

The CHAIRMAN. In the first instance the Committee on Pensions recommend an amendment striking out "\$15" and inserting "\$12," and that amendment was agreed to in the Committee of the Whole last Friday night.

Mr. STALLINGS. That is what I understand.

The CHAIRMAN. Now, the gentleman from Arkansas [Mr. TERRY] asks unanimous consent to substitute \$15 instead of \$12.

Mr. STALLINGS. Mr. Chairman, I can not give unanimous consent to the passage of a bill here when there is already a statute on the books which provides for the very thing that this bill provides for.

The CHAIRMAN. A mere objection is sufficient to prevent unanimous consent.

Mr. TERRY. I ask for \$15. There is no statute that allows that.

Mr. STALLINGS. We are not going to let you get \$15.

Mr. TERRY. That is what I want to get, and if we can get back to that point then we will see whether the House will let me have it.

Mr. STALLINGS. I will say to the gentleman that this Mexican war veteran in your district is no more needy than the Mexican war veteran who resides in my State, for whom I got \$12.

The CHAIRMAN. Objection is made by the gentleman from Alabama [Mr. STALLINGS]. The question is on laying aside the bill as amended, with a favorable recommendation. In the absence of objection, it will be done.

Mr. STALLINGS. I do not consent to that.

The CHAIRMAN. Then the question is on laying aside the bill with a favorable recommendation.

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

WASHINGTON HISLOP.

The next business in order was the bill (H. R. 5020) granting a pension to Washington Hislop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and instructed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of Washington Hislop, late of the Marengo Light Guards, Indiana Legion, the said Hislop having received injuries in the Morgan raid.

The amendment reported by the committee was read, as follows:

Strike out all after the word "Legion," in line 7, and insert in lieu thereof the words "at a rate proportionate to the degree of disability from such gunshot wound of the forehead as may be shown to the satisfaction of the Secretary of the Interior to have been incurred in an engagement with the enemy during the Morgan raid."

The CHAIRMAN. The question is on the amendment.

Mr. TALBERT of South Carolina. I ask if that is not a claim that comes over from last Friday night?

The CHAIRMAN. The bill was considered last Friday night.

Mr. TALBERT of South Carolina. As I remember, it is the claim of a man who received a wound during Morgan's raid through his country, and who was never in the regular service. He was just called out to meet Morgan's men, and he was hurt by his horse falling down, or he was dodging in the bushes and a stray bullet hit him, or something of that sort.

Mr. Chairman, that claim, I think, was decided upon last Friday evening, when the committee agreed to report the bill unfavorably, and I think that they did right. I therefore move that the committee make an unfavorable report on that claim.

Mr. MARTIN of Indiana. Mr. Chairman, if the gentleman from South Carolina will yield to me—

Mr. TALBERT of South Carolina. Certainly, sir.

Mr. MARTIN of Indiana. I will state that this bill was up for consideration on Friday night last, and would have been reported favorably had the point of no quorum not been made. The gentleman who introduced the bill is not present to-night.

Mr. STALLINGS. If the gentleman from Indiana will permit me, I think I made objection, and the bill went over without prejudice and it was laid aside; and Mr. BRETZ asked me to let it go over until he came back from Indiana.

Mr. MARTIN of Indiana. But my colleague came to me today and asked me to present it at this evening's session.

Mr. STALLINGS. I do not think that it ought to go through.

Mr. MARTIN of Indiana. Why not?

Mr. STALLINGS. I think the point of no quorum was made.

Mr. MARTIN of Indiana. That is just what I was saying.

Mr. STALLINGS. And the gentleman from Indiana [Mr. BRETZ] was asked to withdraw it.

Mr. TALBERT of South Carolina. I do not think there was any evidence to prove that this man was really in an engagement against Morgan's men. It seems to me that the evidence was uncertain, and nobody could tell where he was, and what he was doing, or whether he was shot in the head or somewhere else.

Mr. MARTIN of Indiana. The bill was in the course of consideration when it was suggested that we were going beyond the line of precedents. I have a bunch of bills before me here to-night, running back for some years, showing that it is directly within the line of precedents; and all that this bill proposes to do is this, to give the man a chance to prove that he was injured in a pensionable degree in the engagement with Morgan's men. If he can not do that he gets nothing. If he can, he will get what he would be entitled to under the general law. It is a case of gunshot wound received in actual battle; and let me say to my friend from South Carolina that it is not a new departure at all. It has been the rule of this committee from year to year where a man was injured in battle, wounded in battle, to give him the pension to which he would be entitled.

Mr. TALBERT of South Carolina. But it seems that this man was not wounded in battle. He did not belong to any arm of the service at all.

Mr. MARTIN of Indiana. He belonged to the Indiana Legion.

Mr. TALBERT of South Carolina. It seemed that Morgan passed through that country, and he seems to have been shot somehow; possibly trying to get away.

Mr. CLARK of Missouri. Somebody was liable to get shot while Morgan was around.

Mr. MARTIN of Indiana. He belonged to the Indiana Legion, a regular military organization of that State, but not mustered into the service of the United States. He was called out as a member of that organization and was actually wounded in battle; and all this bill proposes to do is to give him a chance to make that proof.

Mr. TALBERT of South Carolina. But it seems that he did not go to the battle. Possibly the battle came to him.

A MEMBER. I have had the battle come to me.

Mr. TAYLOR of Indiana. It reached him all the same.

Mr. MARTIN of Indiana. He was shot in the head, all the same.

Mr. TALBERT of South Carolina. I think that this is a case that ought not to pass.

Mr. BROOKSHIRE. If my friend will permit me, there is a very large number of precedents which, as the lawyers say, are on all fours with this case.

Mr. TALBERT of South Carolina. Then they are very bad ones, I think.

Mr. BROOKSHIRE. When a man belongs to a military organization of a State, and where a military force was invading the State, as Morgan's force was coming into Indiana, and he volunteered his services in this military organization to resist the incoming of troops and destruction of property and everything of that sort, and was injured, it seems to me that he ought to be pensioned.

Mr. TALBERT of South Carolina. There is no evidence to show whether he shot himself or was shot by anybody, or hurt himself in endeavoring to get away.

Mr. BROOKSHIRE. But this is to give the man an opportunity to show whether he was wounded in battle.

Mr. TALBERT of South Carolina. Is that the whole object of the bill?

Mr. MARTIN of Indiana. Yes.

Mr. TALBERT of South Carolina. Is he simply asking the right to apply?

Mr. BROOKSHIRE. Yes.

Mr. TALBERT of South Carolina. Then he ought to have the opportunity to show that he has a right to apply. The trouble is they might give it to him, and he ought not to have it.

Mr. STALLINGS. Does the evidence in this case show how long this man served when he was in the militia? I believe he never was in the regular Army.

Mr. BROOKSHIRE. It is a case of a citizen who belonged to this Indiana Legion, who were organized for the purpose of protecting the homes of the citizens there.

Mr. STALLINGS. I understand that full well; but how long did he serve in that legion?

Mr. BROOKSHIRE. If there had been no invading army he perhaps would not have been called into engagement at all.

Mr. STALLINGS. Now, let me ask you this further question: Did you propose to put him in this bill as if he had served in the army of the United States? Now, under the act of 1890 he could not draw a pension unless he served ninety days.

Mr. BROOKSHIRE. No.

Mr. STALLINGS. Then, how can he obtain pension?

Mr. MARTIN of Indiana. Let me say this, if you will permit—

Mr. STALLINGS. Certainly.

Mr. MARTIN of Indiana. If he had been in the Federal service, if he had served only fifteen minutes he would have been entitled to a pension.

Mr. STALLINGS. I know that. Does this bill put this man under the act of 1890?

Mr. MARTIN of Indiana. No, sir.

Mr. SWANSON. Why did he not prove his claim under the act of 1874, under which those who were wounded in the service could make the proof; and if they could make the proof that they were wounded they were entitled to pension?

Mr. MARTIN of Indiana. I think not. So far as my experience goes in Congress—and it has not been very long, as this is only the third term—all these Indiana militia who have come in at all came in simply upon the ground that they were wounded in battle, and upon no other ground. Now the Committee on Invalid Pensions have brought it down to this fine point, for we do not give a man a pension of \$6, \$8, \$10, or \$12, or any other amount, but we simply give him a chance to prove that he was actually wounded; to prove to the satisfaction of the Secretary of the Interior and the Bureau of Pensions that he was actually wounded in battle with the enemy to a pensionable degree.

Mr. HULICK. I would like to ask the gentleman from Indiana by what rule they would determine the rate of pension this man would receive? Would it be under the act of 1890, limited to \$12?

Mr. MARTIN of Indiana. No, sir.

Mr. HULICK. Would it be limited by any law?

Mr. MARTIN of Indiana. It would not be limited at all excepting by general law.

Mr. HULICK. Then he might be so wounded as to receive \$72 a month.

Mr. MARTIN of Indiana. He might; but there is no such probability.

Mr. STALLINGS. Does not the gentleman think it would be better to withdraw this bill and let it go over until the gentleman from Indiana [Mr. BRETZ] returns?

Mr. MARTIN of Indiana. The gentleman from Indiana [Mr. BRETZ] submitted this matter to me this morning, and asked me to call it before the House to-night and to ask that it be passed.

Mr. STALLINGS. I have no objection to the gentleman calling it up, but I think it would be best to pass it over without prejudice. I objected to it.

Mr. DANIELS. The instance referred to by the gentleman from South Carolina, as being similar to this bill was a bill merely allowing persons who were in the Indian war in Oregon to be placed upon the pension roll, and the party was in the volunteer service of the State or Territory when he was wounded.

Mr. MARTIN of Indiana. I do not hear the gentleman.

Mr. DANIELS. The party referred to was in the service of the Territory or State of Oregon, and was wounded in the Indian war, and he was allowed to be put upon the pension roll; or his application was authorized, just as in the case of this man,

and certainly that is a decided precedent for the case of this applicant.

Mr. MARTIN of Indiana. Why, certainly.

Mr. TALBERT of South Carolina. I will ask if this claim is upon the Calendar?

Mr. MARTIN of Indiana. Certainly.

Mr. TALBERT of South Carolina. What is the number on the Calendar?

Mr. ELLIS of Oregon. It is No. 93 on the Calendar, page 14.

Mr. SWANSON. What has been the legislation with regard to those men who were not mustered into the Army?

Mr. MARTIN of Indiana. It has been in line with this.

Mr. SWANSON. That they have been given pensions only by special legislation?

Mr. MARTIN of Indiana. By special legislation.

Mr. SWANSON. There has never been any general statute allowing people who were not mustered into the Army, but who were in the militia, to draw pensions?

Mr. MARTIN of Indiana. I do not want to answer that question broadly in the negative, but within my present recollection there has not been any such general legislation.

Mr. SWANSON. I was informed that there was a general law by which they were given the privilege up to 1874 of coming in and obtaining pensions.

Mr. MARTIN of Indiana. That referred to the Missouri militia.

Mr. DANIELS. The early soldiers of the Revolutionary war were not regularly mustered in, yet they received pensions.

The amendment recommended by the committee was agreed to.

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. STALLINGS. I ask for a division.

The committee divided; and there were—ayes 50, noes 4.

Mr. STALLINGS. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama makes the point of no quorum, and the Chair will appoint to act as tellers the gentleman from Indiana [Mr. MARTIN] and the gentleman from Alabama [Mr. STALLINGS].

The tellers took their places, but before the count began,

Mr. MARTIN of Indiana. Mr. Chairman, by unanimous consent I will withdraw this bill on account of the absence of my colleague from Indiana [Mr. BRETZ], with the understanding that the bill shall be passed over without prejudice.

The CHAIRMAN. Does the gentleman from Alabama withdraw the point of no quorum?

Mr. STALLINGS. If the gentleman withdraws the bill I do. I would state, Mr. Chairman, in connection with this bill, that the gentleman from Indiana [Mr. BRETZ] told me that he was going home; that there were some facts in connection with this case that he would collect while he was there, and would bring them back and let me see them, and I told him that if he did that I would be perfectly satisfied; and the bill went over in that way.

MARILLA TENNEY.

The next business on the Private Calendar was the bill (H. R. 1713) granting a pension to Marilla Tenney.

The bill was read, as follows:

Bet 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 Marilla Tenney, as widow of Elisha C. Tenney, late a private in Company A, Forty-seventh Iowa Infantry, who served as such soldier from March 11, 1864, to September 23, 1864, when he was honorably mustered out of service with his company, as shown by discharge paper on file.

This claimant, the widow of said soldier, can not receive relief through the Pension Bureau for the reason that she is unable to prove absolutely the date or fact of her late husband's death.

The evidence is conclusive, consisting of affidavits of numerous neighbors and acquaintances, that this soldier left his home at Volga City, Iowa, in 1879, and went to the Black Hills country in Dakota to look for work. Securing work, he wrote frequently to his family and sent money regularly for their support until 1882, when his letters ceased, and said soldier has not been heard from since, except by a mere rumor that he was dead. This claimant, as well as her friends, has made every effort to learn of his whereabouts if living, but to no purpose. Letters have been dispatched to all the post-offices of the Black Hills country, but no news of him has been secured. The family then communicated with the Pension Bureau to ascertain if said soldier had ever made application for a pension, but no such application has ever been filed to the present time.

Thus, by every possible means, this claimant has endeavored to ascertain if her late husband were living, but has been compelled to accept his death as certain. The common law presumes death under such conditions, but the Pension Bureau requires very positive proof in such cases.

It is also conclusively shown that this claimant is wholly dependent on her own labor for support. Many of the soldier's letters and the marriage certificate are on file.

Your committee therefore report the bill with the recommendation that it be amended by striking out the word "twelve," in the eighth line of said bill and inserting in its stead the word "eight;" so that it shall read "\$8 per month," and, as so amended, that the bill pass.

Mr. TALBERT of South Carolina. Mr. Chairman, I move that the committee report that bill unfavorably. It was up on last Friday night, and I took the ground that it was a bad precedent to make a favorable report on such a bill.

Mr. STALLINGS. I think the gentleman from South Carolina is mistaken about this case. I think we made a favorable report upon the bill, with the amendment providing that if the husband should be found to be alive, then the pension to the wife should cease.

Mr. TALBERT of South Carolina. Well, I think we had better kill it certainly this time, so that it will not get alive again.

Mr. UPDEGRAFF. Mr. Chairman, I think there was an amendment adopted to that bill on last Friday evening, providing that the pension should cease if it should be discovered that the husband was alive. I think that amendment was adopted on the suggestion of the chairman of the Committee on Invalid Pensions [Mr. MARTIN of Indiana].

Mr. MARTIN of Indiana. Mr. Chairman, in order that there may be no mistake about it, I move to add at the close of the bill a provision that if the husband shall be found to be alive, this pension shall at once cease.

Mr. COX. I do not think that is necessary. If he had been alive he would have been on the pension roll long ago. [Laughter.]

Mr. TALBERT of South Carolina. Well, Mr. Chairman, let the committee vote down my amendment, if they think proper.

The question being taken on the motion of Mr. TALBERT of South Carolina, it was rejected.

The CHAIRMAN. The question is on laying this bill aside with the recommendation that it do pass. [A pause.]

Mr. STALLINGS. Mr. Speaker—

The CHAIRMAN. The ayes have it, and the bill is laid aside to be reported to the House with the recommendation that it do pass.

Mr. TALBERT of South Carolina. I ask for a division.

The CHAIRMAN. The demand comes too late. The Clerk will report the next bill.

Mr. TALBERT of South Carolina. I asked for a division in time. I claim that I was in time, sir.

The CHAIRMAN. The gentleman did not rise and call for a division until after the Chair announced the result and declared the bill laid aside.

Mr. TALBERT of South Carolina. Well, I will be in time the next time. [Laughter.]

Mr. STALLINGS. I rose before the division was called for, but was not recognized by the Chair. I simply wished to ask whether the amendment adopted last Friday night is in the bill?

The CHAIRMAN. There is an amendment reducing the amount to \$8 a month.

Mr. STALLINGS. There was, I think, another amendment providing that the pension to the wife should cease in case the husband was found to be alive.

The CHAIRMAN. The Chair is informed that that is not in the bill.

Mr. UPDEGRAFF. It can be put in by unanimous consent.

The CHAIRMAN. The amendment about which the gentleman from Alabama asks was not in the bill when it was laid aside. There is only one amendment, the one reducing the pension to \$8.

Mr. UPDEGRAFF. I ask unanimous consent that the amendment suggested by the gentleman from Indiana [Mr. MARTIN], providing that in the event of the husband being found alive the pension to the wife shall cease, be inserted in the bill.

The CHAIRMAN. If there be no objection the amendment will be inserted.

Mr. TALBERT of South Carolina. I object.

The CHAIRMAN. The gentleman from South Carolina objects.

W. H. COHORN.

The next business on the Private Calendar was a bill (H. R. 479) to relieve W. H. Cohorn from the charge of desertion.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now appearing against W. H. Cohorn is hereby removed, and the said W. H. Cohorn be, and is hereby, relieved from the charge of desertion; and that he be, and is hereby, restored to all rights to which he would have been entitled had he never deserted and as if no record showing desertion had been made.

Mr. LANE. I ask that the report be read.

The report (by Mr. BOWERS of California) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 479) to relieve W. H. Cohorn from the charge of desertion, have had the same

under consideration, and find that the report of the War Department, which is submitted herewith, shows most conclusively that this bill ought to pass; that the soldier was in no respect guilty of the charge of desertion as marked on the rolls of the company at one time; that he was sick and in hospital with leave, or furlough; that he returned to his regiment as soon as he was able to do so, and sooner; that he served with his company, and was honorably mustered out with his company at the expiration of the time of his enlistment. His commanding officer, the colonel of the regiment, testifies that the soldier was not in any fault.

Your committee, therefore, recommend that the bill do pass, with the following amendment:

"Provided, That no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill."

Case of W. H. Cohorn.

RECORD AND PENSION OFFICE,
War Department, October 6, 1893.

William H. Cohorn was enrolled as a private in Company F, Eighteenth Kentucky Volunteers, to serve three years, and mustered into service July 7, 1862, and appears to have been present with his command or otherwise properly accounted for up to October 31, 1862, when he is reported "absent," without remark. The roll for November and December, 1862, reports him "deserted November 12, 1862, from Paris, Ky.," and his name is dropped from succeeding rolls to April 30, 1864, when he is reported "absent sick at Chattanooga, Tenn., gained from desertion, stop \$30 for apprehension."

Subsequent to the date mentioned he is reported on rolls as follows: May and June, 1864, "absent sick, Chattanooga, Tenn., a deserter"; July and August, 1864, "present awaiting court-martial"; September and October, 1864, "absent awaiting court-martial, sick at Atlanta"; November and December, 1864, "absent sick at Louisville since October 3, 1864, awaiting court-martial"; and he is so reported on the succeeding roll, dated February 23, 1865; rolls for March and April and May and June, 1865, report him "present awaiting court-martial."

The company muster-out roll, dated July 18, 1865, shows him mustered out of service with the organization on that date; remark, "deserted October 10, 1862, returned to duty March 24, 1864—charged preferred for desertion, awaiting trial."

Other records show him, "deserted December 1, 1862, at Paris, Ky.; arrested March 15, 1864, by provost-marshall, seventh district, Kentucky, and delivered same date at military post, Lexington, Ky."

Following is a copy of the charge of desertion preferred against him by Lieut. John M. Poston, of Company F, as shown by company and regimental books:

"CHARGE 1.—Desertion.

"Specification 1.—In this, that he did on or about the 1st day of November, 1862, while camped at or near Paris, Ky., absent himself without leave by proper authority, and did remain absent until he was arrested and returned to his regiment at Nashville, Tenn., on or about the 28th day of March, 1864."

The records do not furnish any evidence of the soldier's trial on this charge or of his restoration to duty.

The medical records report him as follows: As William Cohorn, private, Company F, Eighteenth Kentucky Volunteers, admitted to general field hospital, Chattanooga, Tenn., April 9, 1863, with mumps, and transferred May 4, 1864; admitted to No. 3 general hospital, Lookout Mountain, Chattanooga, Tenn., July 1, 1864, with syphilis, and returned to duty August 3, 1864, as Cohorn (rank not stated), Company F, Eighteenth Kentucky, treated in regimental hospital September 20 to October 3, 1864, (diagnosis not shown), and transferred to hospital at Atlanta October 3, 1864, as William Cohorn, private, Company F, Eighteenth Kentucky Volunteers, admitted to Cumberland general hospital, Nashville, Tenn., November 2, 1864, with pneumonia, and transferred November 10, 1864, and admitted to Joe Holt general hospital, Jeffersonville, Ind., November 11, 1864, with secondary syphilis, and returned to duty November 24, 1864.

There is no evidence of his having been granted a furlough at any period of his term of enlistment.

Under date August 12, 1863, the soldier made application for removal of the charge of desertion under the provisions of the act of August 7, 1862, and on the 24th October following was called upon for a statement under oath giving the authority under which he left his command and his whereabouts during his absence.

On the 28th October, 1864, he submitted the following testimony:

In an affidavit bearing the above date, the soldier stated that in October, 1862, while in the service of the United States, he was taken sick and was sent home on sick furlough by Capt. Littlejohn, and that he remained at home sick until March, 1864, when he returned to his regiment, though still in bad health, and reported to Capt. Poston, who was then captain of his company; that he was thereupon sent to hospital and remained there about two months and was then sent to the convalescent camp, where he remained three or four months, and was then sent back to his regiment and returned to duty, remaining with his command until he was discharged. He further stated that he was furloughed "until fit for duty," but returned to his regiment before he was fit for duty, and declares that during his absence from his command he was at home sick and confined to his bed "nearly all the time."

David Trout, in an affidavit made the same day, stated that he knew the soldier at the time he enlisted; that he came home in the fall of 1862 on sick furlough, and that as he, affiant, lived close to him, he "went after Drs. Ford and Green for him," and visited him often during his sickness; that Drs. Green and Ford gave him up to die; and he was then treated by Dr. Prior, under whose care he improved somewhat so as to be able to go about; that in the spring of 1864, he returned to the Army, although he had not recovered, and "looked badly;" that prior to his enlistment he was a sound, healthy man, but that since his discharge he had had frequent spells of sickness. Affiant added that he had never heard of claimant's deserting, and that he went back of his own accord before he was well; and that he had never heard of any person coming after him.

In an affidavit, of same date, Windle Trout declared that he was acquainted with the applicant at the time of his enlistment and recollects his coming home on sick furlough in the fall of 1862; that on the night of his return he, affiant, went for the soldier's brother to come and wait on him; that the soldier continued sick all the winter, confined to his bed most of the time, affiant being with him for the most part during the whole winter, engaged in cutting and hauling wood, making fires and waiting upon him, at which time claimant was under the care of Drs. Green, Ford, and Prior; and that he returned to his regiment in the spring of 1864, though not then entirely well. Affiant further declared that he never heard of claimant's being a deserter, and stated that he returned to his regiment of his own accord, and before he had recovered; that he never heard of any person coming after him; and that he had not got entirely well at date of affiant's statement.

Henry I. Newton, in an affidavit of same date, stated that he was acquainted with Cohorn at the time of his enlistment; that the soldier came home in the fall of 1862 on sick furlough, and remained at home for a considerable time, sick in bed a greater part of the time; that he, affiant, was

at claimant's house frequently, and knew that he was at home sick until the spring of 1864, when he returned to his regiment, though not well; and that he never heard of Cohorn's deserting, or of any person coming for him or looking after him as a deserter.

Under date September 23, 1885, the applicant was informed that the provisions of the act of Congress of July 5, 1864, did not cover his case, inasmuch as he did not voluntarily return to his command.

On the 15th of February, 1886, Hon. WILLIAM C. P. BRECKINRIDGE addressed the Department, requesting to be informed as to the status of Cohorn's application, and on the 27th of the same month was informed that in view of the fact that the soldier did not voluntarily return to his command, but was arrested, his case did not come within the provisions of the act of July 5, 1864, and that as it was held by the Department that the charge of desertion was not erroneously made there was no provision of law under which it could be removed.

Under date April 12, 1886, Mr. BRECKINRIDGE transmitted the following additional testimony in support of the soldier's application:

The claimant, in an affidavit dated March 24, 1886, declared that he was furloughed October, 1862, on account of sickness, being unfit for duty; that he reported to his command in March, 1864, at Nashville, Tenn., and upon examination, being still found unfit for duty, was returned to the hospital at Chattanooga. He further stated that the furlough granted him was issued by Capt. Littlejohn and was without limit, and that upon his return to his command Capt. Littlejohn had resigned and been succeeded by Capt. John Poston; and he declared that he returned to his command voluntarily and without orders or arrest.

David Trout, a former affiant, in an affidavit dated March 24, 1886, stated that Cohorn was not arrested as a deserter, but returned to his command of his own free will, and that he appeared anxious to go, saying he wanted to fight for his country.

Wendle Trout, a former affiant, in an affidavit made April 2, 1886, gave testimony identical with that of David Trout, last preceding.

Henry J. Newton, a former affiant, in an affidavit made March 25, 1886, declared that the claimant was furloughed by Capt. William Littlejohn, at Paris, in October, 1862, and that he voluntarily returned to his command at Nashville, in March, 1864.

William B. Newton, in an affidavit dated March 24, 1886, stated that claimant returned to his command voluntarily.

Dr. William Pryor, in an affidavit executed March 24, 1886, stated that in 1862 he treated the claimant as a furloughed soldier of Company I, Eighteenth Kentucky Infantry, and continued to treat him from October, 1862, to March, 1864, when he returned to his command, taking with him a statement that he was not able for duty. He added that the soldier's furlough was signed by Capt. William Littlejohn, Paris, Ky., and that his return to his command was voluntary.

Under date December 20, 1886, Hon. Mr. BRECKINRIDGE was informed, with reference to the application of Cohorn, that the official records showed that the soldier deserted October 10, 1862, and was arrested March 15, 1864, by the provost marshal of the seventh district of Kentucky, and inasmuch as he did not voluntarily return, but was arrested, his case did not come within the provisions of the act of Congress approved July 5, 1864, and that it had been decided that no relief could be granted in the case under existing laws, on the testimony presented.

Under date March 26, 1887, Col. John B. Castleman, acting adjutant-general State of Kentucky, addressed the Department on behalf of Cohorn, stating that Col. H. K. Milward, who commanded the Eighteenth Kentucky Infantry, of which Cohorn was a member, requested that the latter be given an opportunity to prove that the charge of desertion in his case was unjust and incorrect.

Mr. Cohorn, Col. Castleman proceeded to state, was absent on a furlough granted for an indefinite period by Capt. W. H. Littlejohn at Paris, Ky., October 10, 1862, and upon his return found Capt. John M. Poston in command. Cohorn stated that he was in poor health during his absence, and when sufficiently improved reported to Provost-Marshal Long, at Georgetown, Ky., of his accord—not having been arrested—showed his furlough, and on that was given transportation to his regiment; that upon his return, March 24, 1864, he was at once ordered by his regimental surgeon, Dr. Pythian, to the hospital at Summersville, Lookout Mountain, Chattanooga, Tenn., and stayed there two months, after which he was ordered to convalescent camp, where he remained about a month, and was then given transportation to his regiment and assigned to duty; that the captain who gave him his furlough resigned in his absence, without having explained the cause of his absence, and that he never received a trial, but was granted an honorable discharge.

On the 9th April, 1887, the adjutant-general of the State of Kentucky was informed, with reference to this case, that the charge of desertion against Cohorn had not been removed and could not be removed from his record under then existing laws.

In a communication to Hon. Mr. BRECKINRIDGE, dated February 4, 1892, referred to this Department by him, the applicant stated that he was enrolled and mustered into service July 7, 1862, as a private in Company F, Eighteenth Kentucky Volunteers, to serve three years, and was mustered out of service at Louisville, Ky., July 18, 1865.

The status of the case has not been changed since the date claimant's application was last denied, no new testimony having been submitted or legislation had warranting a reversal of such adverse decision.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief of Office.

The SECRETARY OF WAR.

Mr. TALBERT of South Carolina. Mr. Chairman, I move that bill be laid aside to be reported adversely to the House.

Mr. MCKEIGHAN. Mr. Chairman, being somewhat familiar with the circumstances, often beyond the control of the soldier, which places him on the records of the War Department with a stain on his name, I feel that in justice to my comrades living and dead and their families, I ought to rise here and now and protest against this motion. Everyone at all familiar with a soldier's life knows that from time to time when the military organization to which he belongs is ordered to move, he may be sick in the hospital, or he may have been examined by a physician and sent to the rear, and the comrades of his company having no knowledge of his whereabouts, that night he is reported as absent without leave, and a few more days of such reports and he is marked on the roll of his company as a deserter.

If any gentleman will examine the records of the War Department, as prepared and kept in admirable shape by Col. Ainsworth, he will find a charge of desertion standing against

a large number of men who never hesitated to serve their country and who never turned their backs on the foes of this Government. Familiar as I am with the circumstances that surround many of these cases, I rise here to-night and in the name of my comrades and for the honor of this country, I say I do not believe that motions like these would be backed by the men who wore the gray and met us on the field of honorable battle.

I am here to say that there is too much chivalry; that there is too much of the spirit of the soldier, even in the men who bore arms against this Government, for them to be guilty of insisting on leaving a stain on the character of any man who served this Government when it is shown positively and conclusively that he never did desert. I trust that this motion will be voted down, as it ought to be, and that gentlemen will cease to come here and in a spirit of petulance stand on this floor and cavil about granting petty pensions of seven or eight or ten dollars a month, while they vote liberally, as this Congress does vote, extra salaries to clerks and an extra month's pay to the employés of this House—to which I do not object—and millions to rivers and harbors simply because there is a job for some fellow at the bottom of nearly all of it.

These men who receive the bounty of this Government in the form of pensions never "whack up," if the committee will pardon a common expression, and consequently it is a popular thing to come in here and assail men who are defenseless, if, forsooth, this committee will listen to gentlemen who seem so anxious to make a reputation by saving a dollar where that dollar is justly due, and at the same time so anxious to leave a stain on the name of a man who never did violate the military law of his country. Mr. Chairman, I do not care to say more on this subject at this time, and I could not well say less. [Applause on the Republican side.]

Mr. TALBERT of South Carolina. Mr. Chairman, I say in a spirit of fairness and justice, in reply to what the gentleman has just said, that I happened to be one of those men who wore the gray.

Mr. MCKEIGHAN. So much the worse for the gray.

Mr. TALBERT of South Carolina. And I happened to be one of those who met the men who wore the blue; and since the war has closed I have been in organizations and meetings and conventions where the men who wore the gray and the men who wore the blue met together—men who had opposed each other in the red blaze of battle, stood with clasped hands stretched across the bloody chasm in order to bury the bloody shirt, with the prayer upon their lips that upon the grave might be planted the white lily of peace, which would grow and bring forth fruit to the upbuilding and the prosperity of this great country of ours.

And I will say to the gentleman from Nebraska [Mr. MCKEIGHAN] that I stood here and voted against the extra pay and the extra mileage. My vote is recorded against those propositions. I have raised my voice against every appropriation that I thought was unnecessary. And I throw back in the teeth of the gentleman any insinuation that he may throw at me of attempting to make a little reputation by bringing up motions in opposition to these claims.

I would like to call the attention of the gentleman to a speech that was made by Gen. Bragg, of Wisconsin, the commander of the "Iron Brigade," upon this very question of pensions—a speech made in this Hall, in which, if I mistake not, he said that in 1865, or just about the time the war was closing, there were over 200,000 men mustered into the service from the grog-shops and from the jails—bounty-jumpers and substitutes for men who did not want to go into the war—and that 13,000 or 14,000 of those men were deserters and ought to be hanged. Yet they are drawing pensions to-day!

I stand here to say that I am willing to cast my vote openly and above board for any honest soldier, any brave man who met me and my comrades in battle and fought like an honest, brave man; but I am opposed to giving a pension to a deserter, a bummer, or camp-follower, or any man of that description; and every other brave man must be in favor of this position, and will vote against any such proposition.

That, Mr. Chairman, is why I have made the motion to report unfavorably upon this deserter's claim. I insist upon the motion; and I will see that it does not get through without the vote of a majority. If the gentleman from Nebraska, or whatever other State he may be from, does not like this he can make the most of it.

Mr. MCKEIGHAN. Mr. Chairman, I desire to say to this House that I made no such charge personally against the gentleman as he assumes that I made. I did say that this House has been liberal. But now if it comes to a question of a deserter drawing a pension, I challenge the gentleman to produce a single case where any deserter in this country is drawing a pension.

Mr. TALBERT of South Carolina. I can produce the speech

that Gen. Bragg made upon the floor of this House in which he said that there were thirteen or fourteen thousand of them. And here is a case of a deserter that you are standing here to defend to-night.

Mr. MCKEIGHAN. I say it is no such thing. I am here to say that I made no such charge against the gentleman personally; and it is very cheap bravery that vents itself in florid oratory on the floor of this House because I have asserted that Congress has been liberal. I want to say here and now that I have never turned my back on a friend or a foe and I do not intend to do it now. [Applause.] I am here to denounce the spirit that leads a man on the floor of this House to assail every old soldier, even to the extent of preventing men from having the stain of desertion removed, when the Committee on Military Affairs composed of members as honest and intelligent as the gentleman have said that there is no question about the justice of removing this stain.

Now, it may be that men have "shaken hands across the bloody chasm," and that they are very desirous to see the "white lily of peace" bloom. For myself it shall never bloom so long as you stab the defenders of my country. [Applause.]

Mr. TALBERT of South Carolina. I want to say that I deny any such charge; and if the gentleman means to say I have "stabbed" any old soldier or anything of that sort, I say it is utterly false.

Mr. MCKEIGHAN. I want to say if the shoe fits the gentleman he will have to wear it. He seems to insist on wearing it. [Laughter and applause.]

The CHAIRMAN. The question is upon the amendment reported by the committee.

Mr. MARTIN of Indiana. I wish to ask the gentleman from South Carolina [Mr. TALBERT] a question.

Mr. TALBERT of South Carolina. Certainly.

Mr. MARTIN of Indiana. What is your objection to this bill? It involves no pension, no bounty, no back pay.

Mr. TALBERT of South Carolina. Well, I have stated my objection in the few remarks that I have made—that there is a charge of desertion resting here against this man and I am opposed to giving any deserter a pension.

Mr. MARTIN of Indiana. This is not a bill to pension him at all, but simply to wipe out this stain on his record.

Mr. TALBERT of South Carolina. It will lead to a pension, and that is the object.

Mr. MARTIN of Indiana. No.

Mr. TALBERT of South Carolina. The object is simply to get in an entering wedge. When you make this start there will be no stopping it.

Mr. MARTIN of Indiana. Now, I ask the Clerk to read as a part of my remarks the amendment which has been reported by the committee, and as I understand adopted by the Committee of the Whole.

Mr. STALLINGS. I would like to ask the gentleman from Indiana a question, if it will not interrupt him.

Mr. MARTIN of Indiana. I yield with pleasure.

Mr. STALLINGS. Is it not a fact that when a man has a good case of this sort there is a general law under which he can go to the War Department and have the charge against him removed?

Mr. MARTIN of Indiana. Oh, yes.

Mr. STALLINGS. Then why does not this man do it?

Mr. LACEY. The difficulty in this case—

Mr. STALLINGS. I do not believe in passing special laws of this kind when we have a general law on the statute book that covers such cases.

Mr. LACEY. The report shows formal proceedings against this man by court-martial; and they can not be wiped out by an order of the War Department. The committee of this House has made an examination of the case, going through the evidence given before the court-martial and also the additional evidence furnished to the committee; and they believe the decision against the soldier was erroneous. They simply propose to strike from the record the charge of desertion. The man already holds an honorable discharge. This does not change his status in any respect except in removing from his record what appears to the committee to be an unjust charge.

Mr. TALBERT of South Carolina. What will prevent this man from applying for a pension after this charge of desertion is removed?

Mr. LACEY. There is nothing now to prevent him from applying for a pension. He has an honorable discharge. He may be a pensioner, for all I know.

Mr. TALBERT of South Carolina. He may be one of those 13,000 of the "iron brigade."

Mr. LACEY. Perhaps he is the whole 13,000. [Laughter.]

Mr. LANE. The gentleman states, as I understand, that this man has now an honorable discharge. Does not that clear his record?

Mr. LACEY. But this conviction by a court-martial leaves a blemish upon him. Back of his honorable discharge there is still this charge against him—a blight on his record. He wants to have that removed, and he has come before the Committee on Military Affairs for that purpose.

Mr. HUDSON. He is somewhat in the same position that Fitz-John Porter was.

Mr. STALLINGS. I would like to know why the honorable discharge does not clear his record. I understand that the soldier already has an honorable discharge from the Army?

Mr. LACEY. Yes, sir.

Mr. STALLINGS. You do not know whether he draws a pension or not; but that is not the question.

Mr. LACEY. There is nothing to prevent his doing so at any rate.

Mr. STALLINGS. Has not this honorable discharge from the Army wiped out the stain upon his record?

Mr. LACEY. Not at all. It stands there upon the judgment of the court-martial.

Mr. STALLINGS. Then how can Congress wipe it out? We do not know more about the matter than the officers that sat upon the court-martial.

Mr. LACEY. We do, for this reason—

Mr. TALBERT of South Carolina. How can we go behind the "returning board?"

Mr. LACEY. The Military Committee has examined all the evidence taken before the court-martial and all the additional testimony which explains the case. They have gone through the matter carefully and made an elaborate report, reciting the facts and stating as a part of their conclusion that the evidence shows that this man at the time he was charged with desertion was absent on account of sickness and unable to return; that he did return as promptly as he could, and was then honorably discharged and mustered out. But this charge which was made against him has never been erased from his record, and could not be except by act of Congress.

Mr. STALLINGS. I just wanted to know the facts.

Mr. HENDERSON of Illinois. If the gentleman from Iowa [Mr. LACEY] will pardon me for making this suggestion, as I understand there were no so-called "honorable" discharges granted from the late war. The word "honorable" which used to be in every discharge granted to a soldier is left out, as I understand it, from every discharge, so that while the soldier was discharged from the service, the word "honorable" was left out and each man is left to his record as it stands in the Adjutant-General's Office.

Mr. TAYLOR of Indiana. He does not get any discharge at all!

Mr. HENDERSON of Illinois. He is discharged from the service, but the word "honorable," which used to be in the certificate of discharge, is omitted.

Mr. LACEY. The report says he was honorably mustered out with his company.

Mr. NORTHWAY. But it does not say he was honorably discharged.

Mr. TALBOTT of Maryland. Suppose he had a discharge, would that record of his having been court-martialed as a deserter stand in the way of his getting another copy of his discharge, if he lost it?

Mr. LACEY. Not at all. This is more a sentimental bill than anything else.

Mr. KYLE. Is there anything now to prevent this man from drawing a pension?

Mr. LACEY. Not on the face of the report.

Mr. KYLE. Is there, as a matter of fact.

Mr. LACEY. I do not know.

Mr. KYLE. The point I want to get at is whether this proposition is simply to relieve this man from this charge of desertion without putting him on the pension roll?

Mr. HUDSON. That is all there is in the bill.

Mr. KYLE. I understood that this was simply a direction that the charge of desertion be stricken from the roll, and that his record be corrected in that respect.

Mr. CUMMINGS. I should like to say to the gentleman that if he could draw a pension now he could not draw it after this bill is passed, as the bill now stands.

Mr. HUDSON. As I understand, the gentleman from Mississippi [Mr. KYLE] wishes to know whether this is a bill to pension him now or simply to clear up his military record?

Mr. KYLE. No, that is not it. I understand the statement is that there is nothing in the way of this man drawing a pension; in other words, that if he could draw a pension after the passage of the bill, he could draw it now just as well. In other words, that this bill does not aid him toward getting a pension.

Mr. CUMMINGS. As I understand, this bill stops him from getting a pension.

Mr. MARTIN of Indiana. No, it does not.

Mr. WANGER. As I understand the report of the committee, it shows that this man was not in fact a deserter, and that the record of desertion against him is an unjust and erroneous one.

Mr. BOWERS of California. That is the fact.

Mr. WANGER. Now, why should we say anything about a pension in discussing this bill?

Mr. NORTHWAY. He ought to have his record corrected.

Mr. BOWERS of California. That is all.

Mr. WANGER. It seems to me that if he does not deserve to have this stigma attached to his name, that it ought not to be attached.

Mr. COX. As I understand, this man was marked on the roll as a deserter, and was then tried by a court-martial?

Mr. WANGER. Yes.

Mr. COX. And he was found by the court-martial to be a deserter?

Mr. WANGER. Yes.

Mr. LACEY. If the gentleman will permit me, I want to make a correction as to that. The gentleman is misinformed.

Mr. COX. I want to get at the fact as to how that is.

Mr. LACEY. In a hasty examination of this report I find that there was no trial upon the charge of desertion. Charges were preferred, but no trial was had upon the charges; but the charges still remain there, undisposed of.

Mr. COX. You are satisfied that there was no trial?

Mr. BOWERS of California. There was no trial at all. The man was sick, and the evidence presented to the committee shows conclusively that he was not a deserter.

Mr. COX. This bill is simply to wipe out these charges that remain there undisposed of.

Mr. BOWERS of California. Yes. We have the evidence of three physicians who attended him for two years, and the evidence shows that before he was able he returned voluntarily to the regiment, and that he was in no sense a deserter.

Mr. COX. If I understand the bill, it is simply to provide that these charges be wiped out?

Mr. BOWERS of California. It is simply to correct a false record.

Mr. TALBERT of South Carolina. I thank the gentleman from California [Mr. BOWERS] for the explanation which he has made, and it would have been in very much better grace for the gentleman from Nebraska [Mr. McKEIGHAN] while he was hurling all that abuse at me to have made that simple explanation instead. It would have satisfied me, and if the fact is as stated by the gentleman from California [Mr. BOWERS] I have no further opposition.

Mr. BOWERS of California. We gave the question a very thorough examination, and I state to the gentleman that that is the fact.

Mr. TALBERT of South Carolina. If that is the case, I am glad the gentleman has made the explanation.

Mr. BOWERS of California. That is the real fact.

Mr. TALBERT of South Carolina. If the man is not a real deserter, I have nothing against him; but I still do claim that I do not love deserters.

Mr. ROBBINS. Mr. Chairman, the question was asked of the chairman of the Committee on Invalid Pensions whether or not this applicant could, with the charge of desertion remaining against him, obtain a pension. I have not heard the chairman of the committee give any answer to that question.

Mr. MARTIN of Indiana. Mr. Chairman, I want to say right here that this is a bill which does not come from the Committee on Invalid Pensions. It comes from the Military Committee, of which the gentleman from Ohio [Mr. OUTHWAITE] is chairman.

The reason that I speak at all upon this matter is because the question of a pension came up. It seems to me that the passage of this bill or the failure to pass it has no bearing whatever on the question of the right of the man to a pension.

Mr. ROBBINS. I understand that; but there has been a plain question asked, and I ask if the gentleman from Indiana [Mr. MARTIN] is in charge of the bill?

Mr. MARTIN of Indiana. No, I am not in charge of this bill.

Mr. ROBBINS. You are advocating the bill, and the question has been asked whether or not this man can draw a pension with this charge of desertion remaining there against him, or if the object of this bill is to enable him to get on the pension roll.

Mr. MARTIN of Indiana. I say to you frankly that I can not answer that question, except to say this: The amendment that is put onto this bill provides specifically that it shall give him no rights that he does not now possess.

Mr. ROBBINS. What is the object of this bill, then?

Mr. MARTIN of Indiana. Just simply that these charges

were preferred against him. There never was a trial, and still there is a charge standing against him on his military record, of which record he has a right to be proud, and he simply wants that to be cleared up by a special bill.

Mr. ROBBINS. As I understand the law there is a method of procedure by which he can go before the War Department and have this charge removed. That being so, what is the necessity of this special bill to relieve him from this charge?

Mr. BOWERS of California. No, he can not do that under the law.

Mr. ROBBINS. Why?

Mr. MARTIN of Indiana. I will yield to the gentleman from California, who is a member of the Committee on Military Affairs.

Mr. BOWERS of California. This is one of the cases not provided by law; and the War Department can not relieve him from this charge under the law.

Mr. ROBBINS. Why?

Mr. BOWERS of California (continuing). And, therefore, following the action of the committee in other bills, we have reported this bill favorably.

Mr. ROBBINS. Why?

Mr. BOWERS of California. Because the War Department have only their own records to go on, and they are not allowed under the law to relieve a man from a charge of desertion under such circumstances as are presented in this case. They are confined to their rule.

Mr. LANE. What rule?

Mr. BOWERS of California. They can not go beyond it; and they never have gone beyond their rule.

Mr. ROBBINS. What rule excludes this man from getting the charge of desertion removed?

Mr. BOWERS of California. The rule is that the Department can not restore a man against their own records showing that he was a deserter. The law does not allow any Department to do that; and Congress must do it.

Mr. LANE. You are wrong about that.

Mr. ROBBINS. The gentleman does not seem to know the law.

Mr. WHEELER of Alabama. Laws have been passed authorizing the War Department to remove the charge of desertion. It is probable this case does not come within the limitation.

Mr. ROBBINS. Why can not this man go to the War Department and have this charge of desertion removed?

Mr. WHEELER of Alabama. I am trying to tell you. These laws prescribe that he must not have been away from his command more than a certain period. In this case the absence may have exceeded the period, and I presume that is the difficulty in this case.

Mr. ROBBINS. You presume! You do not know that that is the case?

Mr. WHEELER of Alabama. Well, I can ascertain by reading the report. I have sent for a copy.

Mr. ROBBINS. How many will it require to answer this simple question? I will yield to just as many as try to answer the question.

Mr. WHEELER of Alabama. I will answer you and say that general laws have been passed authorizing the War Department to remove charges of desertion within certain limitations, and this case does not come within those limitations.

Mr. ROBBINS. Why?

Mr. WHEELER of Alabama. I think in this case the man may have been absent longer than the period prescribed, or possibly some other reason.

Mr. ROBBINS. The gentleman says he thinks. Does he know the facts in connection with this case?

Mr. WHEELER of Alabama. Yes. I see he was absent more than the time prescribed. That is sufficient; but I find there are other reasons.

Mr. SWANSON. Mr. Chairman, I am sorry to see so much captious objection to this case. It seems to me that it is not a question of whether a man will or will not get a pension. If the facts be true as reported by that committee, and if it be true that this was an honorable and gallant soldier, that he fought during the war, and he finds this charge was made against him, and this stigma was resting on his character, I do not think that the question as to whether he shall receive this paltry sum of pension should be raised. I hope, therefore, there will be no objection to the passage of the bill. This man was an honest and gallant soldier who was honorably discharged. He fought like a man, and the question of whether he will or will not get a pension is no reason why this Congress should refuse to remove that stigma from his character. We have had a committee examine the case, and they have found the state of facts that he was a gallant, brave, honest soldier who fought through the war and that he is met with this charge of desertion.

I think it comes with poor grace from any man when a man

has fought for his flag to say this man should not be allowed the right to draw a pension when they allow men who served ninety days to receive them. It is not a question of pension. I think that we should move cautiously when removing charges of desertion. I think when these charges of desertion are removed by Congress that it is a high honor for a man to have his character cleared up by Congress, and it should be done whether it carries with it the fact that he is to be paid \$80 or \$90 pension. If the testimony shows that this man was improperly treated, without any fault of his own, his character should be cleared, and I hope gentlemen will make no captious objections to this bill if the facts are true as stated. [Applause.]

Mr. WHEELER of Alabama. I am now ready to answer the question of my colleague from Alabama, having examined the report. I find on page 3 of the report the reason is stated why the War Department can not remove the charge of desertion. The record does not show that he voluntarily returned to his command.

Mr. STALLINGS. But does it not show that he returned to another command?

Mr. WHEELER of Alabama. No; I think not.

Mr. STALLINGS. It was so stated here.

Mr. WHEELER of Alabama. The affidavits placed before the committee show that he did voluntarily return to his command, and their affidavits show that the record of the soldier should be corrected.

They show that he did not desert the service. They show that he did not leave his command with the intention of not returning to duty.

The soldier himself testifies—

that he was furloughed October, 1862, on account of sickness, being unfit for duty; that he reported to his command in March, 1864, at Nashville, Tenn., and upon examination, being still found unfit for duty, was returned to the hospital at Chattanooga. He further stated that the furlough granted him was issued by Capt. Littlejohn and was without limit, and that upon his return to his command Capt. Littlejohn had resigned and been succeeded by Capt. John Postin; and he declared that he returned to his command voluntarily and without orders or arrest.

If that is true he was not a deserter.

He is sustained by his physician. This gentleman testifies as I will read:

Dr. William Pryor, in an affidavit executed March 24, 1886, stated that in 1862 he treated the claimant as a furloughed soldier of Company I, Eighteenth Kentucky Infantry, and continued to treat him from October, 1862, to March, 1864, when he returned to his command, taking with him a statement he was not able for duty. He added that the soldier's furlough was signed by Capt. William Littlejohn, Paris, Ky., and that his return to his command was voluntary.

Now we come to the testimony of his comrades. They testify as follows:

David Trout, a former affiant, in an affidavit dated March 24, 1886, stated that Cohorn was not arrested as a deserter, but returned to his command of his own free will, and that he appeared anxious to go, saying he wanted to fight for his country.

Wendle Trout, a former affiant, in an affidavit made April 2, 1886, gave testimony identical with that of David Trout, last preceding.

Henry J. Newton, a former affiant, in an affidavit made March 25, 1886, declared that the claimant was furloughed by Capt. William Littlejohn, at Paris, in October, 1862, and that he voluntarily returned to his command at Nashville, in March, 1864.

William B. Newton, in an affidavit dated March 24, 1886, stated that claimant returned to his command voluntarily.

There is much more testimony of the same tenor, all of which the committee regarded as conclusive, and the committee felt that justice demanded that he should be relieved of the charge of desertion; because the proof before that committee shows that he came within the limitations of the law. It certainly established that he returned voluntarily to duty within the proper time. I think that in this case we ought to pass the bill. The Military Committee, of which I am a member, has examined these cases with great care. Not more than one-tenth of the bills brought before that committee for the removal of the charge of desertion have been reported favorably. Nine-tenths of them have been rejected. The committee has, with great care, examined every case; and we have never reported a case favorably unless the evidence before the committee showed that it was one that ought to be acted upon favorably by Congress. This soldier was absent sick, returned to his regiment, fought through the war, and was discharged with his comrades after the war was over.

I am in full sympathy with every effort which seeks to prevent the enactment of laws which grant pensions to improper or unworthy persons; but the gentlemen who oppose this bill should observe that it does not grant a pension.

It only provides for the removal of the charge of desertion, and the bill specifically stipulates that no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill.

The language of the proviso of the bill as reported is:

Provided, That no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill.

I am confident there would not be any opposition to the bill if all the facts were understood.

Mr. BOWERS of California. Let it be remembered that this man was discharged with his regiment.

Mr. ROBBINS. I did not yield to the gentleman, and he did not address the Chair. I ask the Clerk to read an extract from the statute which I send to the desk as the law bearing on the case. Read the second section and note 4.

The Clerk read as follows:

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings; and in any such case no pay, allowance, bounty, or pension shall be allowed or granted.

Mr. ROBBINS. Now read the note.

The Clerk read as follows:

Fourth. (2) Where he left his command and afterwards voluntarily returned and received an honorable discharge.

But in the fourth section of this act it was provided that no soldier should receive its benefits "who intentionally deserted."

The offense of desertion is defined by military authorities as absence without leave, with the intention of not returning, and the intent not to return is considered the gist of the offense. The Secretary of War has always asserted and exercised the right, under his general powers as custodian of the rolls of the Army, wherever a charge of desertion was erroneously made, to remove the charge. Wherever it could be made to appear that the guilty intent was wanting, he thus had authority, without the act of August 7, 1882, to remove these charges. It was therefore held by the War Department that the act of 1882, August 7, chapter 422, did not enlarge the existing authority of the Secretary of War, and practically no action was taken under it.

Mr. ROBBINS. That is sufficient. Now, Mr. Chairman, my position is that here is a case which the law covers like a blanket. It is shown by the report itself and the reading of the law that the way is clear for this man to go before the War Department, and if the facts as stated are true he can get the charge of desertion removed. Now, here is the House of Representatives in session, spending its time on a dozen special bills for men, when there is a general law providing a remedy for those cases. This statute, and the second and third of the cases cited, and number one cover the case of this applicant exactly; and consequently I appeal to the reason of members, why is it that they will go on without investigating a case and without knowing the facts, and when the question is asked why this man does not proceed in the way that is provided by the law, a dozen or more gentlemen jump up and try to explain something about which they know nothing.

Mr. BLAIR. May I ask the gentleman a question for information, as he has examined this case and I have not? I do not understand, from what he has said, that there is actually any record of desertion against this man, but that, he having been absent, charges were preferred against him. Am I correct?

Mr. ROBBINS. If the gentlemen will investigate the case—

Mr. BLAIR. Well, I am asking the gentleman for information.

Mr. ROBBINS. The bill is to remove the charge of desertion now on record against this man in the War Department. If not, then the introducer of the bill and the committee reporting it are certainly placed in a very ridiculous attitude. Here we have a man asking to be relieved of a charge when there is no charge against him, and here we are sitting in Committee of the Whole and idling our time away in an attempt to help a man against whom there is no charge at all.

Mr. BLAIR. I quite agree with the gentleman, if there are no peculiar features in the case.

Mr. ROBBINS. Then why should you interrupt me in my remarks?

Mr. BLAIR. I wished to ask you a question.

Mr. ROBBINS. Well, the report of the bill answers your question.

Mr. BLAIR. I have not had an opportunity to examine the report.

Mr. ROBBINS. Well, sir; I do not desire to be interrupted in that kind of way, nor do I suppose the gentlemen around me desire to have their time taken up by interruptions by a gentleman who has not examined the report.

Mr. MOSES. I call the attention of the gentleman from Alabama to the fact that he is now doing the very thing that he

complained of his colleague [Mr. WHEELER of Alabama] doing a while ago. He complained that his colleague would not answer his question, and now he himself declines to answer the question of the gentleman from New Hampshire.

Mr. WHEELER of Alabama. I did answer the gentleman's question fully. I answer it now by saying that nine men, unimpeached, make affidavit that this man returned voluntarily to his command.

Mr. ROBBINS. Do you take the position here that the law which has been read from the Clerk's desk does not cover this case?

Mr. SWANSON. Will the gentleman from Alabama permit me to interrupt him?

Mr. ROBBINS. I have asked the gentleman [Mr. WHEELER of Alabama] a question, and I pause for an answer.

Mr. BOWERS of California. I will answer the question if you wish.

Mr. ROBBINS. I did not ask you the question.

Mr. WHEELER of Alabama. The War Department has refused to remove this charge. In this report it is stated:

On the 9th of April, 1887, the adjutant-general of the State of Kentucky was informed with reference to this case, that the charge of desertion against Cohorn had not been removed and could not be removed from his record under then existing laws.

Therefore this bill was introduced, and the affidavits before the committee show that nine men, unimpeached, testify that this man was sick when he left his command in 1862, that he was sick all the time, and while still sick went forward to Chattanooga and did all he could to get back to his command, and that he finally returned voluntarily to his command, but the charge of desertion was then resting against him. Now, it occurs in thousands and possibly in a hundred thousand cases that the charge of desertion has been recorded against the soldier because he was absent from his command, and yet not from any fault of his.

Mr. COX. Not hundreds of thousands of cases. Would not that wipe out an ordinary army?

Mr. WHEELER of Alabama. Well, I reaffirm that there are many cases, possibly a hundred thousand of such cases.

Possibly two or three hundred thousand cases occurred in the Federal army of men having charges of desertion against them which investigation showed ought to be removed because they had been made improperly. For instance, a man would leave his command on furlough, the command would move, and he would be absent after his furlough had expired, and the charge of desertion would be placed against him, and in many cases would be afterwards removed by the officers themselves; but in many cases the charges were not removed. Therefore, the Committee on Military Affairs during the last ten years have recommended and secured the passage of various general laws which cover most of these cases, yet there are many meritorious cases which they do not cover.

Mr. LACEY. Is it not the rule in the Committee on Military Affairs not to grant special relief in any case without application having been first made to the War Department?

Mr. WHEELER of Alabama. Certainly. We always require that.

Mr. LACEY. And does not this report show that in this particular instance the Department refused the application because of the failure to return voluntarily?

Mr. WHEELER of Alabama. The report shows that—

Under date August 12, 1888, the soldier made application for removal of the charge of desertion under the provisions of the act of August 7, 1882, and on the 24th October following was called upon for a statement under oath giving the authority under which he left his command and his whereabouts during his absence.

On the 28th October, 1884, he submitted the following testimony: In an affidavit bearing the above date, the soldier stated that in October, 1862, while in the service of the United States, he was taken sick and was sent home on sick furlough by Capt. Littlejohn, and that he remained at home sick until March, 1864, when he returned to his regiment, though still in bad health, and reported to Capt. Posten, who was then captain of his company: that he was thereupon sent to hospital and remained there about two months and was then sent to the convalescent camp, where he remained three or four months, and was then sent back to his regiment and returned to duty, remaining with his command until he was discharged. He further stated that he was furloughed "until fit for duty," but returned to his regiment before he was fit for duty, and declares that during his absence from his command he was at home sick and confined to his bed "nearly all the time."

And he furnished much additional testimony, but—

Under date September 28, 1885, the applicant was informed that the provisions of the act of Congress of July 5, 1884, did not cover his case, inasmuch as he did not voluntarily return to his command.

Now, my friend from California [Mr. BOWERS] will recollect that two years ago, when our committee first took up the question of desertions, we had some dozen reports recommending the removal of charges of desertion, but on investigation the committee reported adversely on them all; and from that time to this the committee has examined these cases with great care,

and has refused to report them favorably unless the circumstances were such as to show that the beneficiary of the bill was entitled to have the charge removed because he had not deserted his command.

Mr. ROBBINS. Now, will the gentleman inform us of the date of the decision of the Department?

Mr. WHEELER of Alabama. One was in 1887.

Mr. ROBBINS. Is not the gentleman aware that the law which is applicable to these cases has been passed since that time?

Mr. WHEELER of Alabama. Yes; but it does not cover this case.

Mr. ROBBINS. But the question is, why does it not cover this case? The law of March, 1889, will cover this case. It has been read here and its language shows that it is applicable to this case. Now, I will ask the gentleman when the affidavit was filed?

Mr. WHEELER of Alabama. These affidavits were filed at various times, in 1885, 1886, and 1887.

Mr. BOWERS of California. I want to say to the gentleman from Alabama [Mr. ROBBINS], that I consider this House of Representatives and the Congress of the United States superior in power to the War Department, and when the War Department refuses to act in a certain case this House may review that case, may act for itself and direct its subordinate department to do right; and that is the case here.

Mr. WHEELER of Alabama. Let me correct myself at this point. I find from reading the report that the date of the last report from the War Department is much later. It is February 8, 1892. The report says:

In a communication to Hon. Mr. BRECKINRIDGE, dated February 4, 1892, referred to this Department by him, the applicant stated that he was enrolled and mustered into service July 7, 1882, as a private in Company F, Eighteenth Kentucky Volunteers, to serve three years, and was mustered out of service at Louisville, Ky., July 18, 1885.

Mr. ROBBINS. Now, the gentleman says there was no new testimony after the passage of the law to which I have referred. Mr. Chairman, the point that I was making is, give these gentlemen who advocate this bill an opportunity to explain the peculiar merits of this case, and to show why special legislation should be enacted with reference to it when a general law is on the statute books giving this man a right to apply to the War Department and obtain relief. The gentleman from California [Mr. BOWERS] says that Congress has more power than the War Department, and that when the Department fails to relieve a man of the charge of desertion, Congress can come in and relieve him of that charge.

Mr. BOWERS of California. Yes, as a court of appeal.

Mr. ROBBINS. That is true. Congress has the power, but I hope it also has the justice not to overrule the decision of the War Department unless a case of merit is made out and unless good reasons are given which will satisfy legislators who desire to do right and legislate wisely that they ought to overrule the court established by the general law in order that alleged soldiers in the position of this applicant may have an opportunity to go there, present their evidence, and have their cases tried.

Mr. Chairman, I am surprised. I am not a warrior. I was not old enough to take part in that heroic contest between the States, but I must say that I have in my mind a fixed opinion about desertion and deserters, and that opinion is equally applicable to those who deserted from the one side or from the other.

It matters not whether he enlisted under the Southern cross or under the Stars and Stripes; to my mind the soldier who started out following either banner and deserted it is entitled to and ought justly to receive the contempt and scorn of all warriors and of all true citizens. This opinion formed by me is, I must confess, formed from reading of desertion, for I have had no experience, and, I hope, have had no association with deserters. But, sir, I claim that here is a law that is broad enough to cover every case where men have that charge unjustly resting against them. For that reason I appeal to the legislators present to make haste slowly in passing this kind of special legislation removing the charge of desertion, a charge which is so offensive to any true soldier.

Now, Mr. Chairman, it appears by some remarks which have been made here that there were many deserters. Why, sir, I scarcely ever heard of a deserter until the pension roll became such an important feature in this Government. At the War Department there are perhaps hundreds and thousands of cases where the records show the charge of desertion but which never would have been heard of had it not been for the pension laws on our statute books. But for the matter of pensions, these men would have preferred to allow those records to stay in the dust rather than to bring to light the dishonorable charges that are there against them.

But, sir, back of all such bills as this there is a motive; there is something that prompts men to go into the archives of that

Department to bring out the charges there and put the country to the expense of spending hours, yes, days and weeks in removing charges of desertion. I object to hasty action in these cases, action taken without going over the evidence.

Look at this particular case. Men were here to-night in the act of voting upon it without having investigated it; they were about to vote blindly; but after a little colloquy as to the merits of the case, they rise and ask about the bill and the report and say that they really did not understand what was before the committee. That is the attitude in which gentlemen place themselves.

Mr. BROOKSHIRE. Will the gentleman allow me one moment?

Mr. ROBBINS. Yes, sir.

Mr. BROOKSHIRE. I hope my friend wants to be fair about this matter—

Mr. ROBBINS. Certainly I do.

Mr. BROOKSHIRE. I am satisfied that no gentleman in this House wants to make objection to any bill granting individual relief, if the defeat of the measure would work injustice. Now, when fifteen honorable men serving on the Committee on Military Affairs have brought a bill before this House with a favorable recommendation, that ought to raise the presumption that the bill is a just one. To-day when we were considering a great bill carrying over \$32,000,000—

Mr. ROBBINS. I did not yield to the gentleman to make a speech or to go into an argument upon outside matters. Certainly the gentleman can make his speech in his own time. I say the fact which the gentleman states is an argument in favor of the position which I take. Here is a bill reported by a committee; and the Committee of the Whole is about to pass it, when it appears that there is a general law giving a man in cases of this kind a clear right to relief at the War Department; and when gentlemen having charge of the bill are asked why this man does not receive the relief he seeks under the general statute provided in such cases, no good reason is given.

Mr. SWANSON. I will give the gentleman a good reason. It is a mere technicality that prevents this man from having his record made clear at the Department.

Mr. LANE. You are mistaken; read the report.

Mr. SWANSON. As I understand, the law requires that when a soldier is absent he must return voluntarily, or he will be subject to the charge of desertion. This man was sick; and while he was absent on that account an officer was sent for him and arrested him, so that he returned under arrest. The affidavits of various witnesses show that the man was willing to return, and that after his return he served gallantly during the remainder of the war. But on account of that little technical requirement that the return of the soldier shall be voluntary, this man can not, at the War Department, have his record cleared, although he served gallantly and was honorably discharged. Here is Gen. WHEELER and his colleagues on the Committee on Military Affairs—fifteen honorable men—who have reported to us the facts of this case with a recommendation that the bill be passed; and I am ready to accept such a recommendation.

Mr. ROBBINS. Has the gentleman examined the existing law as applicable to this case?

Mr. SWANSON. I have heard the law read, as stated in the report. The committee say that the technical difficulty at the Department arises from the fact that this man did not return voluntarily. A committee of fifteen honorable men have said that the man did not desert—that he was anxious to return. An act of Congress being necessary to clear his record under the peculiar circumstances, why should we refuse it?

The CHAIRMAN. Does the gentleman from South Carolina [Mr. TALBERT] withdraw his motion to lay aside the bill with an unfavorable recommendation?

Mr. TALBERT of South Carolina. I withdraw the motion.

Mr. ROBBINS. I renew it.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. ROBBINS] that the bill be laid aside to be reported to the House with a recommendation that it lie on the table.

The motion was rejected.

The amendment reported by the committee was then agreed to; and the bill as amended was laid aside to be reported favorably to the House.

WARREN ALONZO ALDEN.

The next business on the Calendar was the bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden.

The bill was read.

Mr. TAYLOR of Indiana. I raise the point of order that this bill is not properly before the Committee of the Whole under the order for Friday night sessions.

The CHAIRMAN. The Chair does not understand the gentleman's point.

Mr. TAYLOR of Indiana. These Friday night meetings, as I understand, are for the purpose of considering bills granting pensions and bills removing the charge of desertion. I have no objection to this bill, but I think we should devote these evening sessions to the business which properly comes before the committee. If there is any doubt about this matter I will ask that the order regulating the business of the evening be read.

The CHAIRMAN. The gentleman from Indiana [Mr. TAYLOR] makes the point of order that the bill just read does not come within the special order for Friday night sessions.

Mr. MARTIN of Indiana. I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection, and it was ordered accordingly.

MARY MARTIN.

The next business on the Calendar was the bill (H. R. 1219) granting a pension to Mary Martin.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Mary Martin, widow of William Martin, late of Company I, Fourth Regiment of Rhode Island Volunteers.

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

The Committee on Invalid Pensions have considered the bill (H. R. 1219) granting a pension to Mary Martin, and submit the following report:

The petitioner was the wife, and is, as she believes, the widow of William Martin, who served in Company I, Fourth Rhode Island Volunteers, from September 21, 1861, until May 2, 1863, when he was discharged by reason of anterior curvature of the spine caused by injury in the battle of Antietam. It is also shown that he was wounded in the head while in service by a shell. This soldier applied for pension May 18, 1863, but has not been heard of by the Pension Bureau since that date.

The petitioner testifies that the soldier disappeared twenty-six years ago, has not been heard of since, and is believed by all his friends to be dead; that she is about 70 years of age; that she has not remarried, has no property except what is mortgaged to its full value, has no income and no means of support but her own exertion and assistance of friends.

Maria T. Martin, of Providence, R. I., testifies to the truth of the facts sworn to by the petitioner.

Hon. CHARLES H. PAGE, Member of Congress, states in writing that after the soldier returned from the service his mind was somewhat weakened; in a short time he left home, and his family were never able to learn his whereabouts; that his wife never heard from him since that time and has for many years regarded him as dead, but she has never remarried; also that when the soldier disappeared he left his wife with one little girl to support; she had a small real estate in Providence, R. I., which she desired to sell or mortgage, but under the law could not unless her husband joined in the deed. Her attorney, now Judge Carpenter of the United States district court for Rhode Island, advised her to secure a divorce, inasmuch as her husband had been absent a long time, and this she did for the sole purpose of conveying her property.

From the facts set forth your committee is of opinion that the soldier is unquestionably dead, and that he was most probably dead prior to the allowance of the divorce, which would, in that case be nugatory. While, of course it can not be presumed that the soldier's death, if he be dead, was a result of his military service, the petitioner would be entitled to pension under the act of June 27, 1890, if she were able to prove the fact of his death only, and your committee therefore recommend that the bill do pass.

Mr. TALBERT of South Carolina. Mr. Speaker, this bill is similar to one which has passed here to-night where the husband of the woman whom it was proposed to pension has been absent for a long time, and never heard from. That bill was amended by adding a proviso that if the husband should return the pension should cease. I move that this bill be amended in the same way.

Mr. MCETTRICK. There is no objection to that.

The CHAIRMAN. In the absence of objection, the amendment suggested by the gentleman from South Carolina will be agreed to.

There was no objection.

The bill as amended was laid aside to be reported favorably to the House.

LUCY BROWN.

The next business on the Calendar was the bill (H. R. 4720) to pension Lucy Brown, dependent foster mother.

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 Lucy Brown, dependent foster mother of Aaron B. Divinny, late of Company B, Ninety-first Regiment Indiana Infantry, in the war of the rebellion.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4720) granting a pension to Lucy Brown, submit the following report:

The petitioner is the foster mother of Aaron B. Divinny, who enlisted September 22, 1862, in Company B, Ninety-first Indiana Infantry, and died from a gunshot wound, received in battle of Nashville, December 16, 1864, as shown by records of the War Department.

It is shown by evidence before the committee that this soldier's mother died in 1845, and his father in 1848, and immediately after, when the boy was 5 years of age, Josiah Brown took charge of him; the petitioner married said Josiah Brown February 1, 1849, and from that time cared for the soldier as a mother; she is now 68 years of age. It is also stated that the husband is 70 years of age, and unable by reason of age and kidney disease to perform manual labor and is without means of support.

Since the foregoing was written it has been established that the foster father, Josiah Brown, died February 1, 1894, leaving the beneficiary penniless, dependent, and feeble.

In accordance with the precedents of this committee and Congress the bill should be, and hereby is, favorably reported for passage.

The bill was laid aside to be reported favorably to the House.

LUCINDA C. WHEELER.

The next business on the Calendar was the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler.

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. Lucinda C. Wheeler, widow of John H. Wheeler, late private in Company L, Seventh Regiment Tennessee Cavalry, in the war of 1861, and grant her a pension at the rate of \$12 per month, subject, however, to the limitations of the pension laws.

The report by Mr. McDANNOLD was read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, and submit the following report:

The petitioner is the widow of John H. Wheeler, to whom she was married December 9, 1854, as shown by transcript of public record of Obion County, Tenn. Her claim for pension was rejected by the Pension Bureau for the reason that the records of the War Department fail to show that her husband was in the United States service as a member of Company E or L, Seventh Tennessee Infantry, as alleged. The records of the War Department do not show the name of John Wheeler or J. Wheeler on any rolls of that regiment. The records of the Surgeon-General's office do, however, show that J. Wheeler, of Company E, Seventh Tennessee Cavalry, died September 16, 1864, at Andersonville, Ga., of scorbutus.

Numerous affidavits on file in the Pension Bureau show that John H. Wheeler was enrolled and sworn in by Capt. T. P. Gray for Company L, but that these men were all captured before the company was filed so as to be mustered in. This, together with the record of death at Andersonville, leave no doubt that the petitioner's husband met his death as claimed, and as a result of his connection with the military service of the United States. It is clear that the deceased was not a member of Company E, and it is reasonably clear that he enlisted for Company L, as stated in the bill.

Your committee therefore return the bill with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. STALLINGS. I hope the gentleman in charge of the bill will make some explanation of it.

Mr. MARTIN of Indiana. The gentleman from Illinois [Mr. SMITH], who introduced this bill, is not here, nor is the gentleman from Illinois [Mr. McDANNOLD] who reported it. The question involved here is simply one of identity. The matter was established to the satisfaction of the Committee on Invalid Pensions, and a favorable report was made to the effect that this soldier did actually enlist; but before he and his comrades could be sworn in they were taken prisoners, and he died at Andersonville.

Mr. SWANSON. What is the difficulty about presenting this case with the proof to the Commissioner of Pensions?

Mr. MARTIN of Indiana. It has been rejected at the Pension Office.

Mr. SWANSON. On account of insufficient proof?

Mr. MARTIN of Indiana. No, on account of the fact that the record does not show that the soldier was sworn in.

Mr. SWANSON. And that is requisite, before a pension can be obtained, that he must be sworn in under the law.

Mr. LANE. This is a mere technicality.

Mr. MARTIN of Indiana. Yes, and while the affidavits in this case, of which there are a large number, show that he did enlist, yet before he was sworn in, so as to give him a status in the Pension Office, he and his comrades were captured, and he died in Andersonville.

Mr. STALLINGS. Mr. Chairman, the pension laws are broad enough, it seems to me, to cover every case where a man can possibly make it out by legal testimony. Now, here is a case where a man comes before the Pension Office, and fails to make out his case to the satisfaction of the Commissioner of Pensions. Still he comes here to this House and asks us to grant him a pension, on evidence that the Commissioner of Pensions has refused to grant a pension upon.

I know it has been said to-night by gentlemen on the other side that there are some of us here who object to these pensions, and they say that the men from the South are the ones who object to them. Let me tell you, Mr. Chairman, that the men from the South voted for a pension bill within the last ten days that carries with it more than \$150,000,000. That is not all. They voted also to keep up the soldiers' homes, without a single quibble, and that provision carries with it more than \$3,000,000.

If you will go down here on any day when pension payments are being made at the office on Fourth street, between G and H, you will see men and women coming up there in liveried carriages, with footmen, to draw their pensions.

Now, when it comes to the honest soldier, who shouldered his musket and fought in the war, I do not object to his getting a

pension, and he ought to have as much as the man who comes in a liveried carriage; but let him prove first that he fought in the Army and was a true soldier. If he will do that, I will make no objection; but in this kind of a case it matters not where I come from, or what section of the country I come from, I will always object to just such claims.

Mr. MARTIN of Indiana. Mr. Chairman, I know the gentleman from Alabama means to do just what he thinks is right.

Mr. STALLINGS. Yes, that is what I want to do, and what I am going to do.

Mr. MARTIN of Indiana. I have no aspersions to cast on the motives of any man, but here is a matter that has come before the committee, and been carefully considered, and I think I am justified in saying that we do not consider anything hastily. We are very conservative in these matters. There are fifteen of us when we are all there. We always have a quorum. We never consider business without a quorum.

Now, what is this case? It is simply this: Here is a man who, in point of fact, did actually give up his life for his country, in the enemy's prison.

What is the trouble? A pension is applied for, and simply because the rolls of the War Department do not show that he was mustered into the service, on that ground the Department is bound to reject the claim for a pension, and did reject it.

This is a case of the very kind that our committee is expected to consider. Here is the proof that shows that this man did enlist; that before he was mustered in he was taken prisoner, and that he died in a Southern prison.

If you can make out a better case than that—I do not care how often a man may be mustered in—I should like to have you tell me what the case is. He gave his life voluntarily for our country, for our flag.

And shall it be said that because the Pension Bureau is without jurisdiction to allow a pension, simply because of the fact that he was captured before he was mustered in; shall it be said that the American Congress, sitting here with the flag before us, will now decide that although that Bureau rejected this claim on a technical ground that they were obliged to follow, that we, the House of Representatives, shall deny this pension, although the man gave his life for his country?

Mr. SWANSON. We have pretty strong proof that he was a soldier from the fact that he was captured and that he lost his life in Andersonville.

Mr. STALLINGS. There is something else in this record outside of what the gentleman on the committee has stated. According to the statement in the report made by this committee there is no proof that this man died at Andersonville, or that he ever was in the Army.

It shows that one man by the name of "J. Wheeler" joined one company of this regiment, but it shows that that was not the name of this man to whom we are trying to give a pension here to-night. Now, I would like to read this record again.

The petitioner is the widow of John H. Wheeler, to whom she was married December 9, 1854, as shown by transcript of public record of Obion County, Tenn. Her claim for pension was rejected by the Pension Bureau for the reason that the records of the War Department failed to show that her husband was in the United States service as a member of Company E or L of Seventh Tennessee Infantry, as alleged.

Now, she alleges that her husband, by a certain name, was either in Company E or Company L. The records of the War Department do not show that any such man ever served in the Federal Army; and yet we are asked here to-night to vote a pension in a case of that kind, when the record shows he never served an hour or a day. No, sir; I will never vote to grant any such pension. You may bring in the case of an honest soldier, a man who shouldered his musket and went to the front and fought for yonder flag, and I will vote for it every time; but when you ask me to grant a pension to a woman who tries to prove that her husband was in Company E or Company L, and the records of the War Department show that he was not in either one of those companies, why then I will not vote for it. The records of the Surgeon-General's office do, however, show that J. Wheeler, of Company E, Seventh Tennessee Cavalry, died September 16, 1864, at Andersonville, Ga., of scorbutus.

Mr. NORTHWAY. That was J. Wheeler, and in this case it is J. H.

Mr. STALLINGS. Now, then, can it be possible that we have come here to-night to grant a pension when the evidence shows that the Department is not justified in granting her a pension? If she could prove that she is the widow of this soldier who died at Andersonville, and prove it by competent testimony, I do not believe there is a man upon the floor of this House who would oppose it for a moment, or that the Pension Bureau would refuse or fail to grant her a pension when she could make such proof. But shall she be allowed to have a special act by Congress under such circumstances? No, sir; you will have to get a quorum, gentlemen, to pass a bill like that. I

give you notice now that it will be necessary to have a quorum every Friday night to pass bills of this kind.

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

Mr. STALLINGS. Certainly.

Mr. BROOKSHIRE. Now, there are instances where men who have served in the Federal Army whose names have failed to be placed on the records. I have introduced a bill in which a man supported his case by numerous affidavits, who states that he served in the Federal service. Now, would you refuse a pension in such a case as that where he proved his service?

Mr. STALLINGS. Now, let me answer your question in the Yankee fashion, by asking another. Had he not a name?

Mr. BROOKSHIRE. Yes, sir.

Mr. STALLINGS. Well, was it not shown on the records of the regiment?

Mr. BROOKSHIRE. No. The records never showed that he was mustered, I believe.

Mr. STALLINGS. Then how do you know that he was in the Army?

Mr. BROOKSHIRE. Because he introduced witnesses to prove that he was in the Army.

Mr. STALLINGS. Do you not know that it is utterly impossible for a man to serve in the Army for any length of time without his name appearing on the company or muster roll?

Mr. WANGER. It is not impossible. I happen to have knowledge of the fact that in a three months' regiment, the Fourth Pennsylvania Volunteers, there were several men who served the full term, a couple of whom were paid by one of the captains out of his own pocket, and the names of none of them appeared on the muster rolls of the company, although they performed duty all the time.

Mr. STALLINGS. How do you make out that they were not on the company or the muster roll?

Mr. WANGER. Their names did not appear upon the records of the company at all.

Mr. STALLINGS. How can you account for a thing of that kind?

Mr. WANGER. I think I can account for it in this way: I think they started from the seat of the State government, at the capital of Pennsylvania, and the company being full, they were not received. They were anxious to go, and were permitted by their officers to go along. Some of them served without pay, others, as I have stated, were paid by one of the captains.

Mr. STALLINGS. Then they were simply camp-followers?

Mr. WANGER. Not at all.

Mr. STALLINGS. I do not mean that in the vulgar sense, as we use that term. I mean it in this way: that they went with the Army, and they could quit and come back at any time without being subject to the charge of desertion.

Mr. WANGER. Certainly.

Mr. STALLINGS. These men were not soldiers.

Mr. WANGER. Only in the volunteer sense.

Mr. CURTIS of Kansas. I will state to the gentleman that I had a case to-day where a man served in the Ninth Kansas and his name does not appear on the records of the War Department, and yet he has an honorable discharge.

Mr. STALLINGS. Then I suppose it occurred just as my friend from Pennsylvania stated a moment ago—that he went along with the regiment.

Mr. CURTIS of Kansas. He served, and has his discharge; and yet the army records do not show it here in the War Department.

Mr. NORTHWAY. The gentleman has no such case here. You have a case where J. Wheeler did enlist in one of these companies, and the name of J. H. Wheeler is given here. That man is now dead, and the husband of this wife has never turned up. Now, as I presume you are a lawyer, and I am one, you know that under that character of proof you could hang a man if he was being tried for murder.

Mr. STALLINGS. Well, Mr. Chairman, I have failed to hang men on a great deal stronger proof than that, and I have tried very hard, too. They fail to make out the identity of this man.

Mr. NORTHWAY. When the boys were rushing out, North or South, to enlist, they were not very particular about putting down their names, and as a name went down on the enlistment roll, so it stood on the muster roll. Now, I know a man whose name was "Hiram A.," but he signed himself "H." He was a man who was shot all to pieces in the Army. He afterwards became recorder of our county. But he had a good deal of difficulty to identify himself as "Hiram A.," simply because he had been in the habit of signing himself "H."

Mr. STALLINGS. Now, let me ask the gentleman a question. The men in the Pension Office who pass upon these claims are lawyers, are they not?

Mr. NORTHWAY. Not always; but there is a lawyer there.

Mr. STALLINGS. These papers were filed in the Pension Office, and it is clear from the report that they refused there to grant the application.

Mr. NORTHWAY. Let me suggest to the gentleman, for he seems to be fair, and I make no charge of partisanship and I hope I never shall—

Mr. STALLINGS. I have not got a particle of partisanship in me. I do not know what it is. I have come up since the war was over and I have no feeling upon that question.

Mr. NORTHWAY. In the Pension Office they can consider only the cases of men who were mustered into the service. They may have clear proof that the man enlisted and died, but if he was not mustered into the service they can not consider his case. There is the difficulty, and not in a failure to prove that the man died or that he was the husband of this woman. They might have clear proof of these facts, but yet if he failed to show that he was mustered in, there would be the technical difficulty.

Mr. STALLINGS. As the gentleman has alluded to my being a lawyer, I may say that I have had a good deal of experience in that kind of business, and I have never yet found a case where I could not prove the identity of a man in a court if it were possible to be proved. But here is a case where they have failed to prove the identity of this man to the satisfaction of the Pension Bureau.

Mr. NORTHWAY. No; that is not it. The difficulty is that there is no proof that he was mustered into the service. They might have had proof of the identity of "J. H. Wheeler," the husband of this woman, but unless he could produce proof that he was mustered in, the Pension Office could not consider his case.

Mr. ROBBINS. But they have not any proof that he is "J. H. Wheeler" at all.

Mr. NORTHWAY. Well, I say if they had that proof, still they could not consider his case unless it was shown that he had been mustered in.

Mr. STALLINGS. That is not the reason given in the report.

Mr. NORTHWAY. That is precisely the reason, as I understand it.

The question being taken on laying the bill aside to be reported to the House with a favorable recommendation, the Chairman announced the vote as—ayes 43, noes 2.

Mr. STALLINGS. No quorum, Mr. Chairman.

Mr. MARTIN of Indiana. Mr. Chairman, I move a call of the committee.

Mr. MOSES. Mr. Chairman, pending that, I move that the committee rise.

The question being taken on the motion of Mr. MOSES, there were—ayes 25, noes 21; and the chairman announced that the motion was agreed to.

Mr. LANE. I demand tellers.

Tellers were refused.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. WILLIAMS of Illinois, from the Committee of the Whole, reported that that committee, finding itself without a quorum, had determined to rise.

Mr. MARTIN of Indiana. Mr. Speaker, I move a call of the House.

The question being taken, there were—ayes 36, noes 2; and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Breckinridge, Ky.	Conn.	Erdman,
Adams, Ky.	Bretz,	Coombs,	Everett,
Adams, Pa.	Brickner,	Cooper, Fla.	Fielder,
Aitken,	Brosius,	Cooper, Ind.	Fithian,
Alderson,	Brown,	Cooper, Tex.	Fletcher,
Aldrich,	Bryan,	Cooper, Wis.	Forman,
Alexander,	Bundy,	Cornish,	Funk,
Allen,	Burn,	Cousins,	Funston,
Apsley,	Burnes,	Covert,	Fyan,
Arnold,	Burrows,	Cox,	Gardner,
Babcock,	Bynum,	Crain,	Gear,
Baldwin,	Cadmus,	Crawford,	Geary,
Bankhead,	Caldwell,	Culberson,	Gillet, N. Y.
Barnes,	Campbell,	Curtis, N. Y.	Gillet, Mass.
Bartlett,	Cannon, Cal.	Dalzell,	Goldzier,
Barwig,	Cannon, Ill.	Davey,	Goodnight,
Belden,	Capehart,	De Forest,	Gorman,
Bell, Colo.	Caruth,	Denson,	Grady,
Bell, Tex.	Catchings,	Dingley,	Graham,
Beltzhoover,	Causey,	Dinsmore,	Gresham,
Berry,	Chickering,	Dockery,	Griffin,
Bingham,	Childs,	Dolliver,	Grosvenor,
Black, Ill.	Clancy,	Draper,	Grout,
Bland,	Clarke, Ala.	Dunn,	Grow,
Boatner,	Cobb, Ala.	Dunphy,	Hall, Minn.
Boen,	Cobb, Mo.	Durborow,	Hall, Mo.
Boutelle,	Cockran,	Edmunds,	Hammond,
Bower, N. C.	Cockrell,	Ellis, Ky.	Harmer,
Branch,	Coffeen,	English,	Harris,
Brattan,	Cogswell,	Enloe,	Harter,
	Breckinridge, Ark. Compton,	Epes,	Hartman,

Hatch,	Lynch,	Perkins,	Stockdale,
Hangen,	Magnier,	Phillips,	Stone, C. W.
Hayes,	Maguire,	Pickler,	Stone, W. A.
Heard,	Mahon,	Pigott,	Stone, Ky.
Heiter,	Mallory,	Post,	Storer,
Henderson, Iowa	Marshall,	Powers,	Strait,
Henderson, N.C.	Marvin, N. Y.	Price,	Straus,
Hendrix,	McAleen,	Quigg,	Sweet,
Hepburn,	McCall,	Randall,	Talbott, Md.
Hermann,	McCreary, Ky.	Ray,	Tarsney,
Hicks,	McDannold,	Rayner,	Tawney,
Hilborn,	McDearmon,	Reed,	Taylor, Tenn.
Hines,	McGann,	Reilly,	Thomas,
Hitt,	McKaig,	Reyburn,	Tracey,
Holman,	McLaurin,	Richards, Ohio	Turpin,
Hooker, Miss.	McMillin,	Richardson, Mich.	Tucker,
Hopkins, Ill.	McNagny,	Richardson, Tenn.	Turner, Ga.
Hopkins, Pa.	McRae,	Ritchie,	Turner, Va.
Houk,	Meiklejohn,	Robertson, La.	Turpin,
Hull,	Meredith,	Robinson, Pa.	Tyler,
Hunter,	Meyer,	Rusk,	Van Voorhis, N. Y.
Hutcheson,	Milliken,	Russell, Conn.	Van Voorhis, Ohio
Ikirt,	Money,	Russell, Ga.	Wadsworth,
Johnson, Ind.	Montgomery,	Sayers,	Walker,
Johnson, N. Dak.	Moon,	Schermerhorn,	Warner,
Johnson, Ohio	Morgan,	Scranton,	Washington,
Jones,	Morse,	Settle,	Weadock,
Joy,	Murray,	Shaw,	Wells,
Kilgore,	Mutchler,	Shell,	Wever,
Kribs,	Neill,	Sherman,	Wheeler, Ill.
Lapham,	Newlands,	Sibley,	White,
Latimer,	Oates,	Sickles,	Williams, Miss.
Lawson,	O'Neill,	Sipe,	Wilson, Wash.
Lefever,	Outhwaite,	Smith,	Wilson, W. Va.
Lester,	Page,	Snodgrass,	Wise,
Linton,	Pachal,	Somers,	Wolverton,
Lisie,	Patterson,	Sperry,	Woodard,
Livingston,	Payne,	Springer,	Woomer,
Lockwood,	Paynter,	Stephenson,	Wright, Pa.
Loud,	Pence,		
Lucas,	Pendleton, Tex.	Stevens,	

The SPEAKER *pro tempore*. The doors will now be closed, and the Clerk will call the names of members who have failed to answer. On this call excuses are in order.

Mr. TAYLOR of Indiana (when the name of Mr. BRETZ was called). The gentleman from Indiana [Mr. BRETZ] is absent by leave of the House, having gone to his home.

The SPEAKER *pro tempore*. The RECORD will show the fact of the leave of absence.

The SPEAKER *pro tempore* (when the name of Mr. BRICKNER was called). The gentleman from Wisconsin [Mr. BRICKNER] requested that he be excused to-night on account of sickness.

There being no objection, Mr. BRICKNER was excused.

Mr. TAYLOR of Indiana (when the name of Mr. CONN was called). I ask that my colleague from Indiana [Mr. CONN], who is sick, be excused.

There being no objection, Mr. CONN was excused.

Mr. HAINES (when the name of Mr. COVERT was called). I ask that my colleague [Mr. COVERT] be excused on account of important business.

The SPEAKER *pro tempore*. Mr. COVERT has leave of absence.

Mr. LANE (when the name of Mr. COX was called). I ask that the gentleman from Tennessee [Mr. COX] be excused. He was here until a few moments ago, when he went away because he was not feeling well.

There being no objection, Mr. COX was excused.

Mr. KIEFER (when the name of Mr. FLETCHER was called). I ask that my colleague [Mr. FLETCHER] be excused.

There being no objection, Mr. FLETCHER was excused.

Mr. LOUDENSLAGER (when the name of Mr. GARDNER was called). I ask that my colleague [Mr. GARDNER] be excused.

There being no objection, Mr. GARDNER was excused.

Mr. WANGER (when the name of Mr. HEINER of Pennsylvania was called). I ask that my colleague from Pennsylvania [Mr. HEINER] be excused.

There being no objection, Mr. HEINER of Pennsylvania was excused.

Mr. LACEY (when the name of Mr. HENDERSON of Iowa was called). I ask that my colleague [Mr. HENDERSON of Iowa] be excused.

There being no objection, Mr. HENDERSON of Iowa was excused.

Mr. BARTHOLDT (when the name of Mr. JOY was called). I ask that my colleague from Missouri [Mr. JOY] be excused on account of sickness.

There being no objection, Mr. JOY was excused.

Mr. HAINES (when the name of Mr. RICHARDSON of Michigan was called). The gentleman from Michigan [Mr. RICHARDSON] has been here all the evening until a few moments ago. I ask that he be excused.

There being no objection, Mr. RICHARDSON of Michigan was excused.

Mr. HAINES (when the name of Mr. RYAN was called). I ask that my colleague, Mr. RYAN, be excused for this evening.

There being no objection, Mr. RYAN was excused.

Mr. KIEFER (when the name of Mr. TAWNEY was called). I ask that my colleague, Mr. TAWNEY, be excused.

There being no objection, Mr. TAWNEY was excused.

Mr. HAINES (when the name of Mr. TRACEY was called). I ask that my colleague [Mr. TRACEY] be excused for this evening.

There being no objection, Mr. TRACEY was excused.

The SPEAKER *pro tempore*. Sixty-eight members have answered to their names—less than a quorum.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

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. LAPHAM, from the Committee on Patents, the bill (H. R. 1547) for the relief of the Berdan Firearms Manufacturing Company. (Report No. 600.)

By Mr. LACEY, from the Committee on Invalid Pensions, the bill (H. R. 2908) restoring the pension of Martha E. Miller. (Report No. 601.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the joint resolution (H. Res. 135) authorizing Capt. Thomas O. Selfridge, United States Navy, to accept the cross of an officer of the Legion of Honor, conferred upon him by the President of the Republic of France, and the same was referred to the Committee on Foreign Affairs.

PUBLIC 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. LINTON: A bill (H. R. 6319) for the construction of a public building at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. CUMMINGS: A bill (H. R. 6320) to provide for the creation of the office of assistant to the Chief of Bureau of Supplies and Accounts, Navy Department—to the Committee on Naval Affairs.

Also, a bill (H. R. 6321) authorizing certain officers of the Navy to administer oaths—to the Committee on Naval Affairs.

Also, a bill (H. R. 6322) to amend section 3719 of the Revised Statutes—to the Committee on Naval Affairs.

Also, a bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial—to the Committee on Naval Affairs.

Also, a bill (H. R. 6324) to provide for naturalization by enlistment and service in the United States Navy and Marine Corps—to the Committee on Naval Affairs.

By Mr. COMPTON: A joint resolution (H. Res. 142) for the purchase of the portrait of Dolly Madison from E. S. Andrews—to the Committee on the Library.

PRIVATE BILLS, ETC.

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

By Mr. ADAMS of Kentucky: A bill (H. R. 6325) for the relief of Mrs. Parmelia Smyth, of Casey County, Ky.—to the Committee on War Claims.

By Mr. BRODERICK: A bill (H. R. 6318) authorizing and directing the improvement of the Missouri River at and near Atchison, Kans., and at Leavenworth, Kans., and making appropriations therefor—to the Committee on Rivers and Harbors.

By Mr. COMPTON: A bill (H. R. 6326) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war—to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 6327) granting an increase of pension to Joseph Thompson, of Cherryvale, Kans.—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 6328) granting a pension to L. D. Morse—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 6329) for the relief of the estate of Needham Bullard—to the Committee on War Claims.

By Mr. JOSEPH: A bill (H. R. 6330) granting a pension to Edward D. Lashley—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 6331) to remove the charge of desertion from the military record of James A. McElroy—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Two petitions of citizens of Dallas, Tex., favoring the Manderson-Hainer bill (S. 1353, H. R. 4897)—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of Kansas: Petition of citizens of Lincoln County, Kans., in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. BELTZHOOVER: Protest from the cigar-makers of McSherrystown, Pa., against change in the internal-revenue laws affecting tobacco and cigars—to the Committee on Ways and Means.

Also, protest of the Cigar Maker's Union of York, Pa., against increasing the tax on cigars—to the Committee on Ways and Means.

By Mr. BLAIR: Petition of Waldron Council, Dover, N. H., for the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles G. Pillsbury and 25 others, citizens of Londonderry, N. H., for legislation giving local control over articles of food imitating true dairy products—to the Committee on Agriculture.

By Mr. CALDWELL: Additional evidence in support of claim of Lieut. Joseph R. Cobb—to the Committee on Military Affairs.

By Mr. CHICKERING: Petition of citizens of Cape Vincent, N. Y., in favor of breakwater at that place—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: Two petitions of citizens of the State and city of New York, asking Congress to reject the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of John Forbes and 71 other citizens, of Pittsburg, Pa., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., against House bill 5575—to the Committee on Appropriations.

By Mr. DOOLITTLE: Petition of Farragut Post, No. 15, Department of Washington and Alaska, Grand Army of the Republic, praying for the passage of the bill making February 12 a national holiday—to the Committee on the Judiciary.

Also, petition of Knights of the Maccabees, of Ballard, Wash., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DURBOROW: Petition of C. A. Watts and others, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fred W. Slack, J. H. Ousley, and others, in favor of laws preventing lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. ERDMAN: Petition for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of residents of the city of Philadelphia, Pa., in favor of an amendment of the Constitution of the United States acknowledging the supreme authority and just government of Almighty God in all the affairs of men and nations—to the Committee on the Judiciary.

By Mr. HAYES: Petition of citizens of Iowa, against the proposal to amend the Constitution to recognize God—to the Committee on the Judiciary.

By Mr. HEARD: Petition of citizens of Marshall, Mo., asking favorable action on House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Rev. S. S. Weatherby and 17 other citizens of Merchantville, N. J., asking for the passage of a bill preventing lotteries—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fred Schmidt and 32 others of Woodbine, N. J., asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Two petitions of citizens of Sharpsville and members of the Protected Home Circle, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McKEIGHAN: Petition of 8 citizens of Madrid, Nebr., in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of the Society of Friends at the Genesee Yearly Meeting, for the passage of a law forbidding the admission to the mails of newspapers containing accounts of prize fights—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tent No. 171, Knights of the Maccabees, of Seneca Castle, N. Y.; of Griswold Lodge, Ancient Order of United

Workmen, of Auburn, N. Y.; of 80 residents of Seneca Castle, N. Y., together with 69 more members of Griswold Lodge, Ancient Order of United Workmen, for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. POST: Petition of 51 citizens of Hanna City and Eden, Ill., in favor of an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of the Typographical Union of Peoria, Ill., in favor of Senate bill 1136, House bill 4478—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petition of citizens of Pennsylvania, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolutions of Coopers' Union No. 54, of Machinery Molders' Union, and of the Bakers' Union, all of Detroit, together with a resolution of Pewamo Tent, No. 532, Knights of the Maccabees, of Pewamo, Mich., in favor of governmental control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: Petition of citizens of the District of Columbia, for an appropriation to improve and place additional gaslights on the public thoroughfare between Fourteenth street northwest and the Soldiers' Home—to the Committee on Appropriations.

By Mr. RITCHIE: Petition of Cigarmakers' Union No. 48, protesting against the increase of tax on cigars—to the Committee on Ways and Means.

Also, petition of Wabash Lodge, No. 12, Ancient Order United Workmen, and of F. C. C. Man and 70 others, of Toledo, Ohio, favoring the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. SCHERMERHORN: Two petitions of citizens, for a law for the regulation of the traffic of oleomargarine—to the Committee on Agriculture.

By Mr. STORER: Petition of Eli Norris, in favor of appropriating \$500 for test of gasoline projectiles—to the Committee on Military Affairs.

By Mr. VAN VOORHIS of New York: Petition of citizens of Rochester, for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER: Petition of members of Millbury Council Ancient Order of United Workmen, Millbury, Mass., urging the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Alya Hovey, president, in behalf of the faculty of Newton Theological Institution, Newton Center, Mass., in favor of more efficient legislation to exclude from the States the Honduras lottery—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 17, 1894.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. E. B. BAGBY.

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

Mr. REILLY. Mr. Speaker, I rise to a question of privilege. By yesterday's RECORD I observe that a concurrent resolution directing the institution of suits in the name and in behalf of the United States against the officers and directors of the Union Pacific Railroad Company for the recovery of money and property of said company illegally and fraudulently diverted, was introduced by the gentleman from Louisiana [Mr. BOATNER], and referred to the Committee on the Judiciary. I desire to inquire of the Chair whether that resolution, under the rule, does not properly go to the Committee on the Pacific Railroads? If so, I ask to have the reference changed.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

By Mr. BOATNER: A concurrent resolution, directing the institution of suits in the name and in behalf of the United States against the officers and directors of the Union Pacific Railroad Company for the recovery of money and property of said company illegally and fraudulently diverted.

The SPEAKER. This resolution was referred to the Committee on the Judiciary. The Chair thinks it ought to have gone to the Committee on the Pacific Railroads; but that is for the House now to determine.

Mr. REILLY. I move that the Committee on the Judiciary be discharged from the further consideration of the resolution, and that it be referred to the Committee on the Pacific Railroads.