

HOUSE OF REPRESENTATIVES.

FRIDAY, February 28, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

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

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, and give notice that if the motion is adopted I will ask the committee to take up and consider the legislative, executive, and judicial appropriation bill.

Mr. HENDERSON. If the gentleman will yield to me a moment, I desire to give notice to the House that I will bring in, during the day or in the morning, a rule from the Committee on Rules to make it in order on this bill to consider a bill reported from the Committee on the Judiciary to change to the salary system the present fee system in respect to the payment of United States marshals and district attorneys, so that it may be considered as a part of this bill or with it. I give notice now, and will state further to the members of the House that the bill to which I have referred has been printed and has come in this morning, so that those desiring to examine a copy of it in advance of its consideration will be able to secure it in the document room.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole.

The motion was agreed to.

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

Mr. CANNON. I ask to take up for consideration the legislative appropriation bill.

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

The Clerk read as follows:

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. McCALL of Tennessee. I ask unanimous consent that the first formal reading of the bill be dispensed with.

There was no objection.

Mr. McCALL of Tennessee. Mr. Chairman, I now yield to my colleague on the committee, the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Chairman, a sound, stable currency is one of the prime requisites of business prosperity and national strength and independence. No nation with a disordered, fluctuating, or permanently depreciated currency, though all other conditions may be favorable, can ever take high rank as a commercial power. The reason is obvious. The currency of a country always determines values; and stocks, bonds, land, and all personal property of every kind are rated in a given country according to the commercial value of the money standard in that country. If the standard be gold, which is to-day the standard of all the great commercial nations, then the property of such country may be readily exchanged on equal terms with the property or money of all nations having the same standard of value. In other words, such nations can trade on a uniform basis of values, which not only facilitates the exchange, but is at the same time free from all disappointment to either party when the account is stated.

But not so with a country like Mexico, for instance, which has free silver coinage, and where the standard is measured by silver and is of just about one-half the value of the standard of the commercial nations of the earth.

When she sends merchandise to a foreign country of the value of a dollar in her currency she really gets but 50 cents in gold for it.

So it would be in the United States if, like Mexico, we were to go on a silver basis, to which free coinage would inevitably carry us; but of this I will speak in a moment. But I think all will agree that if we were on a silver basis every bushel of wheat, every pound of butter or pork or beef, and every manufactured article which we might export would bring just about one-half in gold its imputed value here.

Not only this, but all American securities—railway, municipal and State bonds as well as United States bonds—millions of which are now held abroad, would be worth in London, Berlin, and Paris only 50 cents on the dollar in gold. They would in fact be worth only 50 cents on the dollar in gold in our own markets.

Confessedly this would be the inevitable situation if we were on a silver basis, and where is the American who will say that this would be satisfactory to him? Where is the farmer or manufacturer who would be satisfied with his lot under a government whose measure of values is so delusive that when he takes his surplus products into the markets of the world, where their value would be measured by the world's standard, he gets only half price for them? What American could view with equanimity his Amer-

ican citizenship if American currency were worth but half price? In short, what American would be satisfied if the currency of his country were not equal in value to the best currency on earth? I think everyone will agree that if we were on a silver basis the above is a fair statement of the disadvantages we would labor under at the present time in our commercial intercourse with the rest of the world. But the situation would be far more humiliating and unsatisfactory right here at home.

Instead of 4 per cent United States bonds selling at 10 and 12 per cent premium for gold, an 8 per cent bond could not be sold at an equal or greater discount, and at that be paid for in a currency worth but 50 cents on the dollar in the commercial marts of the world.

TESTIMONY OF BOND SALE.

The bond sale now in progress, though discreditable enough to the economic and administrative policies which have made it necessary, yet bears eloquent testimony to the faith of the American people in the honesty of the future American dollar; testimony also to the faith of all the commercial nations of the earth whose gold is to-day finding its way to the United States Treasury in exchange for these bonds payable in coin. Think you, Mr. Chairman, the American people or the capitalists of Europe would take these bonds at this low rate of interest and high premium if they believed this country was to go on a silver basis and pay them when due in a currency of one-half the value of gold? Nay, nay. Then think of another thing. What sort of people would we be to do that thing? How, after it, could one American ever look another in the face when the subject of national honor or of public faith was mentioned?

But, saying nothing of the virtue of keeping faith with all classes of our security holders, let us for a moment see what the effect of a debased currency would be upon the working millions who, "in the sweat of the face," eat their bread. With the present disparity in the commercial value of the two metals, every dollar of the \$579,400,907 of gold would be withdrawn from circulation and would become a commodity. It would be at a premium of 2 to 1. And who will describe the disastrous effect on the business of the country by the withdrawal of just about one-fourth of our entire circulating medium? And who will complete the picture and tell us of the business and financial collapse sure to follow such contraction; of the mills and factories closed, and of the workmen hungry and cold in the street? And, worst of all, who will describe the disconsolate, the pitiable condition of the American people from whom business confidence and honor, the very first jewel in the crown of confidence, have alike fled? And think of an intelligent, spirited people trying to do business with a 50-cent dollar! Pitiable spectacle indeed, but sure to follow such a large and certain contraction of our circulating medium, and from it, except a return to an honest dollar, there would be but one escape, and that to the bottomless morass of paper issues, the evils of which would be worse even than those of contraction.

But, Mr. Chairman, this condition of things will never come to the American people.

They understand too well the advantages of a sound, stable currency; in fact, its necessity to individual and national prosperity, and especially its necessity in all foreign transactions.

But some of the free-silver advocates deny that free coinage would carry the country to a silver basis; while others, at least in private conversation, admit that it would, and say: "It is just what is wanted. As a debtor nation we would then be able to discharge all of our public obligations with half the value now called for; and at the same time the debtor class would be enabled to discharge their debts with cheap money; and though this were done, the capitalist and bondholder would have all they ought to have, and the struggling masses would be relieved of disproportionate burdens." But I deny, sir, that the sturdy yeomanry of this country or the debtor class ask for or would accept any such scheme of repudiation as this. They believe in keeping faith with all men. [Applause.]

They know that a depreciated, debased currency would surely bring evils far outbalancing any slight advantage they might gain in paying their debts in a dishonest dollar of half the value of the one they promised the creditor when the debt was contracted. I say the honest, sturdy manhood of this country would indignantly spurn any such proposition, and will have nothing of it.

EFFECT OF FREE COINAGE OF SILVER.

But for just a moment to the question: Will the free coinage of silver at the present ratio of 16 to 1 carry the currency of this country to a silver basis?

First of all, let me ask you to keep in mind the fact that the value of the silver in our standard silver dollar of 371½ grains is only 50 cents, and that the silver dollar in circulation and the certificates and Treasury notes representing the silver in the Treasury, amounting in all to a little over \$600,000,000, are now kept equal with gold only by the arbitrary fiat of the Government, whose settled policy as solemnly declared by the act of 1890 is to keep the

two metals on a parity. Think of it! Six hundred millions of 50-cent dollars are to-day being kept equal with gold by the strong right arm of public faith; and the fact is it is just about all the strain the public credit will bear, especially when coupled with the trouble the evergreen greenback is giving us. The truth is the Government is now only barely keeping itself from a silver basis by frequent sales of bonds for gold.

In the face of all this who doubts if this free-coinage amendment were adopted it would take us at once to a silver standard and we should at once be a 50-cent people?

This would be inevitable, as will be seen by following for a moment the practical workings of free coinage. What a field it would open to the speculator and the money changer. All one would have to do would be to possess himself with 50 cents' worth of silver and take it to the United States mint and have it rounded off and stamped a dollar. Five hundred dollars' worth of silver taken to the mint would come out in the form of 1,000 silver dollars. Now, on the supposition that the Government could keep the silver dollar and gold dollar on a parity, what a chance for profit this would offer. All the man with the 1,000 silver dollars, which cost him but \$500, would have to do would be to exchange them for a thousand gold dollars (which he could readily do, if they were kept on a parity) and go into the open market and with these 1,000 gold dollars buy enough silver bullion, when backed up to the United States mint, to turn out 2,000 silver dollars, and on every one would be found the legend "In God we trust." And so this man could go on doubling his money in every transaction in regular geometrical progression; the key of success all the time being, of course, that the two dollars could be kept by the Government on a parity, and not only as against this single man, but as against all the world. The very statement of the case demonstrates the impossibility of the Government to do any such thing, however determined it might be in the undertaking.

EFFECT ON THE POOR MAN'S MONEY.

Authorize free coinage at the ratio of 16 to 1 and silver would at once become the standard of value. Gold would instantly go into hiding. Every dollar would disappear from circulation and would become an article of merchandise, worth twice its former value, not in the markets of the world, but here in the United States, when measured by the silver standard. And this is how free coinage would affect the poor man's money, which is confessedly silver, as his transactions are all small, and how also it would affect the rich man's money, which is said to be gold; and much has been said on this point, as though the poor man's money would be benefited by free coinage.

But it will at once be seen that while the international value of gold would remain right where it is now, its local value would be somewhat enhanced by its attitude as a commodity, always desirable, and also because it is at the same time money which those engaged in foreign transactions must surely have, while silver, no longer kept equal with gold, would go straight to its commercial value, one-half what it is now; and who fails to see that it would be not the rich man and his money, but the poor man and his money that would be placed most at a disadvantage?

But in the grand collapse that would surely follow the contraction by withdrawing \$579,400,907 of gold from our circulation and in adjusting values to the new standard the poor and rich would suffer alike, but the poor would suffer most. The workingman, paid in money of half value, whose purchasing power has been reduced by one-half, could make himself whole only by having his wages doubled; but how long would he have to work and wait before his employer could be got up to the point of paying him \$2 per day instead of \$1 as now? In the little State of Vermont the deposits in the savings banks, which represent the small savings of the working man and woman and the small yearly balances of the farmer and mechanic, amount to \$29,430,697, and in the whole United States to \$1,810,597,223.

Now, if this country were to go to a silver standard, every dollar of this vast sum, which when deposited was as good as gold, would be worth but 50 cents to the depositor. Then there is the untold amount due from life insurance companies, aggregating thousands of millions, every dollar of which thus far paid to the companies in premiums was of full value, but if on a silver basis when paid out to the widows and orphans at such time as death should claim the husband and father it would be a 50-cent dollar. The pensioner's dollar would be worth but 50 cents; and so illustrations might be multiplied to show that the evils of a depreciated currency would fall heaviest, not on the wealthy, but on those of slender means.

It is true, however, that the creditor class whose obligations are not written in gold would, under a silver standard, be enabled to settle their debts in silver. But this would be a kind of repudiation which no honorable man asks or would accept.

A SIGNIFICANT FACT.

And here let me state a significant fact. It is this: In all the Rocky Mountain States, the so-called silver States, a contract

payable in gold is a very common thing. And it is even said that those who are the most able and eloquent in the advocacy of free silver have carefully taken their contracts in gold, so that when the disasters of a debased currency shall come and all be whelmed in general shipwreck, these gentlemen may then clutch this anchor of gold, thus with selfish prudence cast to windward.

I do not say that any one of the gentlemen who are factiously standing in the way of wholesome legislation in another place holds contracts payable in gold, but it would be quite remarkable if every one of them was not interested, directly or indirectly, in such contracts—they are so common in their section; and whether they hold them or not, their constituents, the men behind them, do, and their very prevalence shows two things: First, an admission that the free coinage of silver will carry the country to a silver basis; and second, it shows that these gentlemen are not willing to stand by the consequences of their own doctrines—are not willing, in common phrase, to take their own medicine.

Why, in the State from which I come such a thing as a contract payable in gold would be a rarity indeed, and so it is through all the Eastern and Middle States. The people there are satisfied with silver and the paper representing silver, because they know the Government is pledged to keep all its money, silver and gold and paper, on a parity, and they have faith that the Government will do this. And I tell you, Mr. Chairman, the Government will do it. The people of this country will see that it is done. The American people have not yet become so demoralized by their own false philosophy on the subject of silver coinage as to want their contracts payable in gold. This particular phase of insane selfishness is peculiar to the people of the Rocky Mountain States, and they are welcome to a monopoly of it. And here is another notable thing about these Rocky Mountain States. You may pick out eight of them which have sixteen Senators in the United States Senate—I will not name the eight; but they have a total population less than that of the city of New York, and a total assessed valuation also less than the valuation of that city; in fact considerably less than one-half as large.

And first and last into every one of those eight States, and several others might be added to the number, have gone hundreds of thousands of dollars from the city of New York, and hundreds of thousands of dollars also from every one of the States east of the Mississippi River and north of the Ohio, which have never returned and never will return; which, in fact, have never been heard from except in the crop of statesmen who have come up here to dictate lessons in finance to their unpaid creditors, and not in finance alone, but upon the subject of tariff and revenue as well.

But, Mr. Chairman, this fact should not be taken as derogating from the right of these States to be heard, and respectfully heard too, on every public question. And I only allude to it as one of the devious and unaccountable things brought in by the "whirligig of time."

ROCKY MOUNTAIN WISDOM.

And it does seem remarkable that this family of young Commonwealths should possess a wisdom on the subjects of currency and finance and public revenue so far above and so completely at variance with the opinions and judgment of the older States from whose loins they sprung, and who have really nursed them from small beginnings into Statehood—I say it does seem remarkable, in fact anomalous, that this Rocky Mountain wisdom, which spurns all counsel from the experience of the world and closes its ears to the entreaties and expostulations of the older States, should be imperative in its demand for the free coinage of silver at 16 to 1 as the price of much-needed legislation to provide revenue and preserve the credit of the Government. [Applause.]

Verily there must be something in the atmosphere, or perhaps in the meat which our friends do eat, in that wild Rocky Mountain region, which gives them an inspiration wholly beyond the comprehension of ordinary mortals who live on a lower diet and amid milder scenes. But there is one thing the East will very likely have learned from this experience, and that is that its loanable funds will be safer nearer home, and safer, too, with a people not subject to fits of inspirational philosophy on the subject of finance. [Laughter.]

AMERICAN BIMETALLISM.

But, Mr. Chairman, enough as to the incomprehensible wisdom of our free-silver friends; and in closing, just a word as to American bimetallism.

Bimetallism, from the very nature of the case, encounters some difficulty not found in the single gold standard, such as the varying value of the two metals. But this difficulty is surmountable, and the system in the hands of the intelligent and honorable American people is not only practicable, but, in my opinion, best. I am, in short, a bimetalist.

There can, of course, be but one measure of value, one yardstick, and the term "bimetallic standard" is a misuse of language, as it will only apply at such times, not often happening, as the commercial value of the two metals is in exact accordance with the estab-

lished ratio. Hence the fathers in disposing of this question avoided the term "bimetallic standard," but did decide that the unit of value should rest on both gold and silver. This is clearly shown by Jefferson's words in approving Hamilton's report on the mint in 1792. He said: "I concur with you in thinking that the unit of value must stand on both metals." It was so placed, and after careful inquiry in all the markets of the world as to the value of each metal the ratio was fixed at 15 to 1. And thus did these great minds of that day, in fact, these great minds in all American history, help establish American bimetallicism. They had put the two metals as yokefellows into the Constitution as the only lawful legal tender, and when the question of minting money was reached, they were still kept together as the basis of the unit of value. And to this day they are yokefellows in the system of American bimetallicism.

It is true just now the whole load is drawn by the gold ox, and it would perhaps hardly be worth while keeping the silver fellow along, only that there is a prospect that a little later he will do his share of the work. Now, it would seem to most people that the particular friends of this silver ox ought to be thankful that Uncle Sam keeps him in the team at all; that he does not, in short, knock him in the head and go on and leave him. But what has been, may be again. Prior to 1834 gold was at a premium and did not circulate, and the silver ox pulled the whole load. Gold was then behind, the same as silver is now. But in that year the ratio was changed to 16 to 1, and from that time to 1873, of which I will speak in a moment, silver was at a premium and gold alone was coined. The recollection of this ought to beget within us a little patience for the worthlessness of the silver yokefellow now.

SILVER NOT DEMONETIZED.

But the silverites claim that Uncle Sam has not given him a fair chance. They say silver was demonetized in 1873. I deny it. Not a dollar of silver was deprived of value or withdrawn from use as money, and nothing short of this constitutes demonetization. It is true, in 1873 the further coinage of the metal was suspended, and that act has been denounced as a crime clandestinely committed.

Let us see about this. The proposition was before Congress for three sessions, was reported upon and debated like any other measure, and finally became a law, because, though in that very year of 1873 while the silver product of the United States was \$35,750,000, no silver dollars were then being coined or had been for several years for the reason that 16 ounces of silver were worth in the market more than an ounce of gold. It was more profitable to dispose of it as bullion. Now, how could silver have been hurt by stopping its coinage when none was being coined? It was not hurt. Very soon, however, from various causes, principal among which was the demonetization of silver by the great powers of Europe, silver went down in value, and there at once arose a cry that the United States mints be opened.

WHAT UNCLE SAM HAS DONE FOR SILVER.

Uncle Sam heard the lowing of his silver ox, and in 1878 the mints were opened to the coinage of not less than \$2,000,000 per month, and in the twelve ensuing years 363,646,517 silver dollars were coined and certificates issued thereon to relieve the American people of the burden of over 13,000 tons dead weight in making their exchanges. But meantime the production of silver increased, especially in the United States, and the price still went down; and in 1890 silver was still further provided for by authorizing the purchase of something more than the entire American product at the rate of \$4,500,000 per month, and out of that purchase enough was coined to redeem \$155,931,002 in Treasury notes, still further carefully relieving the people from carrying around between four and five thousand tons more of silver money in their pockets, thus making a grand total of \$606,332,053 of silver and its paper representatives now in circulation in the United States, including subsidiary silver; over \$26,000,000 more of silver than of gold, and every dollar kept as good as gold, though its actual value is only 50 cents.

Now, this is what the American people have done and are doing to-day for silver. And yet our Rocky Mountain friends tell us it is demonetized. What effrontery, and how given to romance these gentlemen are! Mr. Chairman, the plain people are getting tired of this silver agitation. They are beginning to understand how utterly groundless is the pretense that silver is stripped of its function as money. They are beginning to see how idle and empty is all this rant and buncombe about gold bugs and plutocrats. They are beginning to understand that, more than the rich, they themselves are interested in a sound, stable currency.

In short, they are beginning to see that Uncle Sam has done all he could safely do for silver; and that he is to-day carrying a burden that almost breaks his back. I say, the people are beginning to understand this everywhere, North and South, East and West, and even out among the Rocky Mountains. And let me say in all kindness to my friends from that section that before they know it

they will find the people in that region repudiating the free-coinage craze as likely to multiply their troubles rather than bring relief, and as disreputable and disadvantageous to them in their relations to the rest of the country and to the world.

GOLD MONOMETALLISM NOT WANTED.

Some one may ask, why not cast out, neck and heels, this worthless silver yokefellow and go to the gold standard? Now, this man would be a gold monometallist and a rich man, or the associate of rich men, or a crank off the same piece with the silver crank. [Laughter.]

And, Mr. Chairman, gold monometallism would be attended with many of the same evils as silver monometallism. It would work a like contraction of our circulating medium to the extent of our entire silver coinage and deprive the poor man of the very money best adapted to his use. And this must not be thought of for a moment.

We must keep the silver ox in the team if we can keep the breath of life in him. I know a double team as the basis of the unit of value is, in many respects, a troublesome one, and can be made successful only by skillful, careful, honest handling; but this the American people are equal to. Besides, the fathers started with this double team, and the American people have prospered with it as no other people on earth. The Republican party is committed to it; in fact, has always stood for bimetallicism, and has always been in favor, and is now, of the largest possible use of silver consistent with keeping the two metals together. But a point has been reached when not another dollar of silver can be safely coined under existing conditions. And this our silver friends must understand once for all.

INCREASED PRODUCTION OF GOLD PROMISES RELIEF FROM TOO MUCH SILVER.

But what is the prospect that the silver ox, truly in a most dilapidated condition just now, will ever again be able to take a healthy part in the work of the team?

Mr. Chairman, it is most promising, indeed. It is found mostly in this single fact, viz, that the world's production of gold is rapidly increasing, while that of silver is remaining just about stationary.

The world's product of gold in 1894 was \$180,626,100, while in 1895 it was \$200,000,000, a gain of almost \$20,000,000 in a single year, while the commercial value of the world's product of silver in 1895 was just about the same as in 1894, viz, \$106,522,900.

In our own country, however, the change is far greater. There has been a steady decline in our silver output since 1892 from 63,500,000 ounces, worth \$55,563,000, in that year, to 49,500,000 ounces in 1894, worth \$31,422,000. For 1895 the product was but 46,000,000 ounces, worth \$29,500,000, a decrease in three years of 16,500,000 ounces, a loss of more than one-fourth the output in 1892, and a loss in commercial value of almost one-half.

Whereas in the same three years the output of gold in the United States has increased from \$33,000,000 in 1892 to \$39,000,000 in 1894. In 1895 the product was \$46,500,000, a net increase in these three years of \$13,500,000, considerably more than one-third of the entire output in 1892.

At the same rate of increase of gold and loss of silver for the next three years, and there is every prospect of it, the United States will be producing \$60,000,000 worth of gold and only 29,500,000 ounces of silver, worth at present price only \$19,765,000—less than one-third the value of the gold product.

Mr. Chairman, think of this country producing, as it will within the next three years, gold of more than three times the value of its silver product, and that, too, from the bowels of the Rocky Mountains; and then think how the people out there, and their representatives in the two Houses here, will wonder and blush, and blush and wonder how they could ever have had the gall to so vociferously demand the free and unlimited coinage of a 50-cent dollar.

The figures already given show an increase in the world's gold product of 1895 of \$20,000,000, and that the total value of that product was just about twice the value of the silver product, which is practically stationary. Now, at the same rate of increase for the next five years the value of the world's gold product will be three times that of silver; and in ten years four times that of silver. And who fails to see that this increased production of gold must tend to bring the two metals together throughout the world. And in my mind there is no doubt this increased production will continue, for the heart of the world is to-day set on gold mining as never before, and through improved machinery and new chemical agents and processes ores heretofore worthless are now profitably handled. It also has the further advantage, that the product, being itself the measure of all other values, is never at a discount. Gold mining to-day is the most alluring and the most profit-promising field open to adventurous and enterprising manhood. The gold prospector with his pack and pick is camped on every mountain slope from the Yukon to the Rio Grande, while the story of the South African gold fields reads like a tale from the Arabian Nights. Surely this all promises largely increased production of gold.

And who does not know that supply and demand regulate the price of these money metals the same as of every other commodity? And when gold shall become so plenty and silver so scarce that 16 ounces of silver are worth more than 1 ounce of gold then silver will become the measure of value, so far as our coinage is concerned, the same as it was prior to 1834. Then, Mr. Chairman, the silver steer will be the likelier one of the two. He will move up to first place in the team and the gold bug will go behind.

THE GOLD CURE.

Mr. Chairman, it is said by naturalists that for every human ill there is some antidote; like varioloid and vaccine for the smallpox, sulphur for the itch, and the gold cure for the liquor craze. And here we will have for the silver craze the gold cure also. All hail the gold cure! It is sure to come. It will cure those in this country who want more silver, and at the same time those in other countries who want less silver. And meantime all we have to do is to hold down our frantic silver friends till the cure shall take effect. [Laughter.]

It will inevitably bring the nations together at no distant day upon a fixed ratio for the coinage of the two metals, which the world really wants and which the world will have.

The rich man and the monopolist may want gold monometallism, but the masses do not, and they will never consent that one-half of the money of the world be turned into merchandise. There is really none too much for the needs of man when both metals are fully utilized.

INTERNATIONAL BIMETALLISM.

I do not say that increased production of gold alone will force the nations to bimetalism, for left to herself I expect England would still cling to the gold standard.

But there is a greater than England in the earth. The young giant of the Western Hemisphere, whose money is silver and gold, the money of all history, both sacred and profane, will have a word to say before either metal shall go to the melting pot as a mere commodity. There are many ways in which we can make our influence felt. The whole world wants to trade with us and will naturally respect our views. And if we are only true to bimetalism now, and demonstrate the practicability of the system by preventing our silver friends from carrying the country to the silver standard—and we are surely going to do it—and thus keep our public credit in this time of great trial free from spot or stain of any kind we shall have some influence in the next international conference. And with the metals near each other in commercial value, international bimetalism on a fixed ratio is something I hope, nay something I expect, to live to see. And when the time shall come that American coins of both metals shall pass side by side as yokefellows through the capitals of Europe, will it not indeed be a great day for American bimetalism and American statesmanship? [Applause.]

Mr. McCALL of Tennessee. Mr. Chairman, I wish to state briefly that the Committee on Appropriations has endeavored to keep well within the law as it now exists in preparing the bill before the committee. The bill appropriates \$21,444,195.51, being \$925,855.49 less than the estimates submitted for the fiscal year 1897 and \$625,482.57 less than the appropriations for the fiscal year 1896. The whole number of salaries provided for in the bill is 10,017, being 235 less than the number estimated for and 335 less than the number provided for in the law for the current year.

The report accompanying the bill sets out all the proposed changes in the number and grade of officers and employees in the several Departments and their rates of compensation as compared with the current law. The tabulated statement, which is also a part of the report, shows by offices, bureaus, and other titles of appropriation the amounts appropriated, together with the number of salaries for the current year, and the estimates for 1897, and the amounts recommended by the pending bill. In addition I append to my remarks a tabulated statement showing the exact reductions under appropriations for 1896 and the number of offices reduced, together with the number of salaries increased, and the sum total thereof, and the number of employees or offices created.

The tabulated statement is as follows:

REDUCTIONS UNDER APPROPRIATIONS FOR 1896.

	No. of salaries.	Amount.	Total.
Senate:			
2 clerks to committees, at \$2,100 each, omitted; amount for pages reduced \$4,300, on account of short session; total amount for miscellaneous and contingent expenses reduced \$4,800; total reductions, \$13,300; amount for compensation of Senators is increased \$10,000, on account of new Senators from Utah; net reduction			\$3,300.00
Capitol police, contingent expenses			200.00

REDUCTIONS UNDER APPROPRIATIONS FOR 1896—continued.

	No. of salaries.	Amount.	Total.
House of Representatives:			
Amount for session employees reduced \$24,565.53, on account of short session; 3 employees in Clerk's document room appropriated for until Dec. 1, 1895, \$1,600.55, omitted; amount for stationery reduced \$1,000; amount for clerk hire to members reduced \$137,066.99, on account of short session; total reduction, \$163,561.07; 3 clerks to Committees on Elections and Banking and Currency are provided for at \$2,000 each; net reduction	1		\$158,263.07
Treasury Department:			
Secretary's office—			
2 clerks, at \$1,600 each, omitted in warrant division; special employee, E. W. Seils, \$1,000, omitted; pay of 7 per diem employees reduced \$22.30; a laborer at \$900, instead of a clerk at \$900, given in division of mails and files; total reduction, \$4,522.30; 2 elevator conductors, at \$720 each, provided for; net reduction	1	\$3,082.30	
Postage, from \$1,500 to \$1,000		500.00	
Office Auditor for Treasury—			
2 clerks, at \$1,000 each	2	2,000.00	
Office Auditor for Interior Department—			
12 clerks	12	18,000.00	
Office Auditor for Post-Office Department—			
1 clerk	1	1,600.00	
Register's office, clerks	2	3,000.00	
Income tax:			28,182.30
Clerks in office Commissioner Internal Revenue	24	30,590.00	
Deputy collectors internal revenue	303	408,000.00	
Internal-revenue agents	10	36,000.00	
Check and draft paper			475,190.00
Freight on bullion and coin			3,000.00
Mints and assay offices:			4,000.00
Carson City, two salaries reduced		800.00	
New Orleans, contingent fund		8,000.00	
St. Louis, contingent fund		650.00	
Territorial governments	11		9,450.00
War Department:			
Stationery		5,000.00	
Contingent expenses		9,000.00	
Navy Department:			14,000.00
Naval Records		4,000.00	
Naval Observatory, contingent		500.00	
Interior Department:			4,500.00
Rent of stable omitted		1,500.00	
Patent Office, photolithographing		5,884.00	
Post-Office Department:			7,384.00
Rent		1,000.00	
Postal Guide		2,000.00	
Judicial (Indian Territory):			3,000.00
Judge, attorney, and marshal	3		3,900.00
Total reduction	370		714,389.37

INCREASES OVER APPROPRIATIONS FOR 1896.

Treasury Department:			
Office Auditor for State Department, clerks	2	\$2,600.00	
Office of Treasurer, 25 expert counters, at \$730 each, provided for; reduction made of \$3.20 on account of 1 per diem employee; and skilled laborer at \$1,000 given instead of a clerk at \$1,300; net increase	25	17,796.80	\$20,396.80
Boston subtreasury, stenographer	1		1,000.00
Mints and assay offices—			
Boise City, wages of workmen			1,000.00
Territorial governments			49,800.00
Garfield Park, night watchman	1		600.00
Post-Office Department:			
Postmaster-General's Office, curator	1	1,000.00	
Second Assistant Postmaster-General's Office, mail messenger, \$900; given instead of assistant messenger		180.00	
Fourth Assistant Postmaster-General's Office, clerks	2	2,000.00	3,780.00
Department of Justice:			
Increase of \$20 to clerk in charge of accounts, and three additional clerks	3	4,400.00	
Additional for books, stationery, and official transportation		1,250.00	5,650.00
Department of Labor			6,600.00
Total increase	35		88,886.80

RECAPITULATION.

	No. of salaries.	Amount.
Total reductions	370	\$714,389.37
Total increases	35	88,886.80
Net reduction	335	625,482.57

If any member of the committee desires to add anything to the statement I have made in the general discussion of the bill I would like to make an arrangement now as to time.

Mr. HOPKINS. Let me ask the gentleman from Tennessee if there are any changes in this bill from the existing law; and, if there are such changes, will he be kind enough to point them out?

Mr. McCALL of Tennessee. I shall state for the information of the gentleman from Illinois that by consulting the report of the committee there will be found set forth in full any changes in existing law which are made by the bill. They are very limited in number; and without consuming the time of the House by going into detail I will state that they are all fully set forth as stated.

Mr. HOPKINS. Then there are changes in the existing law?

Mr. McCALL of Tennessee. Some very minor changes.

Mr. DOCKERY. I wish to state, Mr. Chairman, that so far as salaries are concerned the bill carries the salaries authorized by existing law that is in the current appropriation bill. There are no increases of salaries further than those carried in the appropriation bill for the current year.

I want to commend the bill in that respect to the House. I desire also, with the permission of the gentleman in charge of the bill, to say that in my judgment in the main it is a good bill and an economical bill.

Mr. JOHNSON of Indiana. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Indiana. It is impossible to hear what is being said.

The CHAIRMAN. The committee will be in order.

Mr. DOCKERY. Mr. Chairman, I was about to supplement the statement of the gentleman in charge of the bill, and perhaps it may be well to repeat it, as gentlemen on both sides claim they did not hear. I may say, in answer to the question of the gentleman from Illinois [Mr. HOPKINS], that this bill is substantially the current law. So far as salaries are concerned, it is exactly the current law. There are no increases of salaries in this bill over the current appropriation bill, and no increases of force that are not fully warranted by testimony taken by the Committee on Appropriations. I am glad, Mr. Chairman, to be able to commend this bill in the main without any sort of equivocation or mental reservation whatever.

Mr. RICHARDSON. The gentleman states that the bill is in accordance with the current law in this, that there are no increases in salaries. I want to ask the gentleman if the bill has given the salaries allowed by law in each case?

Mr. DOCKERY. As was stated, Mr. Chairman, in the debate on the Indian appropriation bill, this bill carries perhaps—

Mr. RICHARDSON. Could not the gentleman say yes or no to my question?

Mr. DOCKERY. Well, if the gentleman will permit me—

Mr. RICHARDSON. I just want to know the fact.

Mr. DOCKERY. I trust I can presume upon the courtesy of the gentleman from Tennessee—

Mr. RICHARDSON. Undoubtedly; but I thought yes or no would answer the question.

Mr. DOCKERY. I trust I may be allowed to make the reply in my own way.

Mr. JOHNSON of Indiana. Mr. Chairman, I rise again to a point of order. We can not hear what gentlemen are saying.

The CHAIRMAN. The committee must be in order. It is useless for the Chair to get order if gentlemen still go around and visit the moment a member begins to speak. All gentlemen will be seated and please to cease conversation. The Chair requests the committee to remain in order until the gentleman can submit an answer to the question.

Mr. DOCKERY. I want to say further in answer again to the gentleman from Tennessee that, as was stated in the debate on the Indian appropriation bill, there are some salaries in this bill that are below the statutory limit. They have been carried below that limit since the Forty-fourth Congress, and I trust they will continue to be carried at the limit fixed in this bill.

Mr. RICHARDSON. My inquiry related not so much to the salaries reduced in the Forty-fourth Congress, but to those carried in the appropriation bills of the Fifty-first, Fifty-second, and Fifty-third Congresses. Has there been any reduction in this bill in cases of that kind?

Mr. DOCKERY. I do not at this moment recall a single increase or decrease of salary over or below the current law. Possibly there may be an item of decrease or increase in the bill, but it does not come to my memory at this moment. I am sure that there is no increase over the current law. I do not now recall any decreases. I want to say, in justice to the Committee on Appropriations of the last Congress, that while there is an actual decrease of \$625,482.57 in this bill, under the current law, the explanation is found in two items: First, there is a decrease of \$158,263.07 on account of this appropriation being made for the short session of

Congress rather than the long session. There is also a decrease of \$475,190 on account of the decision of the Supreme Court holding the income tax to be unconstitutional. That operates, of course, to eliminate the salaries heretofore carried in this bill in connection with the collection of the income tax, amounting to \$475,190.

Mr. HOPKINS. Before the gentleman takes his seat I should like to propound one or two questions to him.

Mr. DOCKERY. Certainly.

Mr. HOPKINS. I understand that the gentleman was the chairman of a revision commission that had charge of the reorganization of the Treasury Department, by which a large number of clerks were dropped from the service and the Department put upon a very economical basis. I see on page 2 of the report that in the office of the Secretary of the Treasury provision is made for two additional elevator conductors at \$720 each.

Mr. DOCKERY. That is correct. That arises from the fact that there are two new elevators which must be operated.

Mr. HOPKINS. And in the office of the Auditor for the State and other Departments there is an additional clerk of class 2 at \$1,400?

Mr. DOCKERY. That is true.

Mr. HOPKINS. Is that one of the Departments that was revised by this commission?

Mr. DOCKERY. It is.

Mr. HOPKINS. How does it happen that you are compelled to employ additional clerks?

Mr. DOCKERY. Simply because of an increase in the work.

Mr. HOPKINS. Was that taken into consideration when this commission was considering that Department?

Mr. DOCKERY. It was not, or we would have given the clerk at that time.

Mr. HOPKINS. Can the gentleman now say how many additional offices are created by this bill in the various Departments that are covered by it?

Mr. DOCKERY. Covered by what?

Mr. HOPKINS. Can the gentleman say how many additional clerks are employed in the various Departments under this bill?

Mr. DOCKERY. In this city—in the Executive Departments?

Mr. HOPKINS. Yes, sir; in the various Departments.

Mr. DOCKERY. I can not give the exact number. I will say to the gentleman from Illinois that there are, or were last year, 17,599 clerks in the Government service in the city of Washington.

Mr. HOPKINS. Is the gentleman able to say how many additional clerks are provided for in this bill?

Mr. DOCKERY. There is a decrease in the clerical force.

Mr. HOPKINS. There are additional clerks; how many do they number?

Mr. DOCKERY. There are increases in the clerical force of 35 and decreases of 370, making a net decrease of 335.

Mr. HOPKINS. This decrease relates to places that were provided for under the income-tax law, that was regarded as unconstitutional by the Supreme Court?

Mr. DOCKERY. Largely so.

Mr. HOPKINS. So that there is an addition of 35 clerks over the present force. Is that correct?

Mr. DOCKERY. There is an increase in the total force of 35 and a decrease of 370. If the gentleman wants to know where—

Mr. HOPKINS. One moment. But the decrease relates to a department which never had an existence in fact?

Mr. DOCKERY. Which?

Mr. HOPKINS. The income tax.

Mr. DOCKERY. It had an existence in fact; an entire force of its own.

Mr. HOPKINS. But you never collected any money or did any business in that department?

Mr. DOCKERY. There was some money collected and returned.

Mr. HOPKINS. What I want to understand is, that outside of the income-tax department you have an increase of the clerical force of 35?

Mr. DOCKERY. Yes, sir; and I will answer the gentleman by items. There is an increase of one clerk in the office of the Auditor for the State Department.

Mr. HOPKINS. I will not put the gentleman to that trouble.

Mr. DOCKERY. Well, I desire, as I assume the gentleman is candid in asking the question, to answer it frankly.

Mr. HOPKINS. But I asked the gentleman as to the number. Now, if the House desires to know how that number is distributed I have no objection.

Mr. DOCKERY. Well, if the gentleman is content, I am.

Mr. RICHARDSON. I would like to ask my colleague from Tennessee a question or two. I understood the gentleman in his opening statement to say that there were 300 salaries less provided for in this bill than in the law of the current year of 1896.

Mr. McCALL of Tennessee. Three hundred and seventy,

Mr. RICHARDSON. Now will the gentleman be kind enough to tell us how those clerks are divided—to what classes they belong?

Mr. McCALL of Tennessee. Yes, sir; I can do so if the committee desires it in detail.

Mr. RICHARDSON. I think there ought to be some statement as to where they are.

Mr. McCALL of Tennessee. The House of Representatives, 1; Secretary's Office, Treasury Department, 1; Office of the Treasurer, 2; Office of the Auditor for the Interior Department, 12; Office of the Auditor for the Post-Office Department, 1; Register's Office, 2; clerks in Office of Commissioner of Internal Revenue, 24; deputy collectors of internal revenue, 303; internal-revenue agents, 10; Territorial governments, 11; Indian Territory, judicial department, 3; making 370.

Mr. RICHARDSON. Now, will the gentleman state what salaries have been increased in this bill over and above the statutory law? I understood the gentleman from Missouri to say that there was no increase above the current appropriation bill of last year. I would like to know if there are not twenty salaries over and above the Revised Statutes or statute laws.

Mr. McCALL of Tennessee. I will say, for the information of the gentleman from Tennessee, that there is no salary in this bill that is an increase over what has been appropriated and paid for the past several years.

Mr. RICHARDSON. I understand that; but I was speaking of the statute law, which is not an appropriation bill. There is no current law, as I understand it, that applies to the fiscal year for which this bill provides—the year ending June 30, 1897—but the Revised Statutes apply. Now, I want to know how many changes there are, if the gentleman can tell us; how many increases above that law—the law.

Mr. McCALL of Tennessee. Mr. Chairman, my friend from Tennessee seems inclined to be of an investigating turn of mind, and I shall give him the information in detail. There are salaries appropriated in this bill to the number of 20 over the statutory provisions. They are the same as have been paid for years, and we have made no change as to that.

Mr. RICHARDSON. Are there any who are paid more than the law prescribes?

Mr. McCALL of Tennessee. I mean the statute law.

Mr. DINGLEY. But not more than has been authorized for several years in appropriation bills?

Mr. McCALL of Tennessee. But, as I have said, not more than has been provided for several years in the appropriation bill. Now, as to the number under the statutory amount, there are 107, and they are exactly as they have been now for several years, as provided in former appropriation bills.

Mr. RICHARDSON. Well, there has been no saving made, then. Is there a provision in this bill which will prevent these officers from collecting the amount of the reduction?

Mr. McCALL of Tennessee. There is, in the first section of the bill. And, in addition, I wish to say that the sum received for salaries in excess of the amount provided by law amounts to \$13,850; the sum of those who are receiving below the amount provided by law is \$36,250, making a saving of \$22,400.

Mr. HOPKINS. If it will not disturb the gentleman, I would like to have him state briefly the reasons why the committee have increased the salaries of some officers above the amounts provided by law. It seems that in some instances they have raised the salary above the amount provided by law, while in other instances they have reduced it below the specified amount, and I wish the gentleman would state the reasons for that action on the part of the committee.

Mr. McCALL of Tennessee. The first reason that I would assign for the benefit of my friend from Illinois is the fact that it has been the practice of Congress for many years to pay these sums. For instance, take the salary of the Commissioner of Pensions. His salary, under the law, is \$3,000. That amount was fixed in 1837, when the working of the Pension Bureau was comparatively simple and insignificant. The statute regulating the salary of the Commissioner has not been changed since that time, almost sixty years ago, but under the present pension system the work, as we all know, has become very voluminous and the increase has been going on for years. The duties of the Commissioner are much greater and more multifarious than they were in former years, and it has been deemed proper and necessary that his salary should be increased in accordance with the increased labors devolving upon him. Therefore for many years the Commissioner has been receiving \$5,000 a year under the appropriation bills. That has been the case, I believe, for the past twenty years.

Mr. HOPKINS. Can the gentleman state what Congress changed the salary of the Commissioner of Pensions to the amount that is appropriated for by this bill?

Mr. McCALL of Tennessee. I am informed by the clerk of the committee that the change was made in 1881.

Mr. HOPKINS. So that in this bill you are following a precedent that was set by the Appropriations Committee in 1881?

Mr. McCALL of Tennessee. And which has been followed ever since.

Mr. HOPKINS. What other offices in this bill are provided for above the rates fixed by law?

Mr. McCALL of Tennessee. The private secretary to the President is one. His salary is fixed by statute at \$3,500, but he is to receive under this bill, as he has received under several past appropriation bills, \$5,000 a year. The change in that case was made for the same reason as in the case of the Commissioner of Pensions. I do not remember the date when the change was made in the compensation of the private secretary to the President.

Mr. DOCKERY. It began with the Administration of President Harrison.

Mr. McCALL of Tennessee. I am informed that the change was made in 1889. As I have said, the same reasons which account for the increase of the compensation of the Commissioner of Pensions apply to the increase of the compensation of the private secretary to the President. The country has grown enormously. The business with which this official has to deal has greatly increased in volume since the time when his salary was fixed by statute. The same reasons will apply to all these increases. The salary of the private secretary to the President is fixed by statute at \$3,500, but under the appropriation bill he receives \$5,000. Again, the salary of the secretary of the Civil Service Commission is fixed at \$1,600 by statute, but under the appropriation bill he receives \$2,000.

I have here a tabulated statement showing the officers who are allowed under this bill larger salaries and also those who are allowed smaller salaries than the salaries fixed by statute, which I shall ask leave to print.

Mr. HOPKINS. Now, if it will not take too much of the gentleman's time, I will ask him to state how many clerks there are whose salaries, as appropriated in this bill, are below the amounts to which they would be entitled under the general law, and I would be glad if he would state the average reduction.

Mr. McCALL of Tennessee. I have a statement here covering all these changes that I can read for the information of the gentleman and of the committee, but I prefer to ask that it be printed in the RECORD, so that members may have the information.

There was no objection, and it was so ordered.

The statement is as follows:

Salaries that are provided for in legislative, etc., appropriations act at sums in excess of statute limit, and at sums less than the statute limit. (Committee on Appropriations, House of Representatives, February 11, 1896.)

SALARIES IN EXCESS OF STATUTE LIMIT.

Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
Private secretary to President.....	\$3,500	\$5,000	R. S., sec. 155.
Secretary Civil Service Commission.....	1,600	2,000	Sup. R. S., page 393.
Assistant Secretary of State.....	3,500	4,500	Sup. R. S., page 2.
Chief clerk of Bureau of Statistics.....	2,000	2,250	R. S., sec. 235.
First Assistant Secretary of the Interior.....	3,500	4,000	Sup. R. S., page 2.
Chief clerk Interior Department.....	2,200	2,500	R. S., sec. 440.
Commissioner General Land Office.....	3,000	5,000	Sup. R. S., page 2.
Chief clerk General Land Office.....	2,000	2,250	R. S., sec. 440.
Commissioner Indian Affairs.....	3,000	4,000	R. S., sec. 462.
Commissioner of Pensions.....	3,000	5,000	Sup. R. S., page 2.
First Deputy Commissioner of Pensions.....	2,500	3,600	R. S., sec. 472.
Chief clerk Pension Office.....	2,000	2,250	R. S., sec. 440.
Commissioner of Patents.....	4,500	5,000	R. S., sec. 477.
Chief clerk Post-Office Department.....	2,200	2,500	R. S., sec. 393.
First Assistant Postmaster-General.....	3,500	4,000	Sup. R. S., page 2.
Superintendent Money-Order System.....	3,000	3,500	Do.
Second Assistant Postmaster-General.....	3,500	4,000	Do.
Third Assistant Postmaster-General.....	3,500	4,000	Do.
Disbursing clerk Department of Labor.....	1,800	2,000	Sup. R. S., page 590.
Chief clerk Department of Justice.....	2,200	2,500	R. S., sec. 351.

Total number of salaries in the bill that are in excess of the statute limit, 20. Aggregate amount of excess, \$13,850.

SALARIES LESS THAN STATUTE LIMIT.

Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
Executive clerk and disbursing officer, Executive Office.....	\$2,300	\$2,000	R. S., sec. 155.
Executive clerk.....	2,300	2,000	Do.
Steward, Executive.....	2,000	1,800	R. S., secs. 155, 156.
Treasury Department:			
Chief division of customs.....	2,800	2,750	Volume 18, page 396.
Assistant chief division of customs.....	2,400	2,000	Do.
Chief division of appointments.....	2,800	2,750	Do.
Assistant chief division of appointments.....	2,400	2,000	Do.
Chief division of public moneys.....	2,800	2,500	Do.
Assistant chief division of public moneys.....	2,400	2,000	Do.

Salaries provided for in legislative, etc., appropriations act, etc.—Continued.
SALARIES LESS THAN STATUTE LIMIT—continued.

Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
Treasury Department—Continued.			
Assistant chief division, Revenue-Cutter Service.	\$2,400	\$2,000	Volume 18, page 396.
Chief division of stationery.	2,800	2,500	Do.
Chief division of mails and files.	2,800	2,500	Do.
2 disbursing clerks.	2,800	2,500	Do.
24 chiefs of division in Auditors' offices.	2,100	2,000	Volume 18, page 397.
Treasurer United States.	6,500	6,000	R. S., sec. 301.
Assistant Treasurer United States.	3,800	3,600	Sup. R. S., page 75.
Cashier, Treasurer's Office.	3,800	3,600	Volume 18, page 397.
Assistant cashier, Treasurer's Office.	3,500	3,000	Do.
Chief clerk, Treasurer's Office.	2,700	2,500	Do.
5 chiefs of division, Treasurer's Office.	2,700	2,500	Volume 18, page 398.
1 teller, Treasurer's Office.	2,700	2,500	Do.
1 teller, Treasurer's Office.	2,600	2,500	Do.
2 assistant tellers, Treasurer's Office.	2,350	2,250	Do.
1 teller, Treasurer's Office.	2,600	2,500	Volume 18, page 399.
1 bookkeeper, Treasurer's Office, national bank division.	2,600	2,400	Do.
1 assistant teller, Treasurer's Office, national bank division.	2,200	2,000	Do.
Register of Treasury.	4,500	4,000	Sup. R. S., page 75.
Assistant Register of Treasury.	2,500	2,250	Do.
Deputy Comptroller of Currency.	3,000	2,800	Sup. R. S., page 76.
3 chiefs of division, Comptroller of Currency's Office.	2,400	2,200	Do.
Superintendent, Comptroller of Currency's Office.	2,400	2,200	Volume 18, page 399.
Teller, Comptroller of Currency's Office.	2,400	2,000	Do.
Bookkeeper, Comptroller of Currency's Office.	2,400	2,000	Do.
Assistant bookkeeper, Comptroller of Currency's Office.	2,200	2,000	Do.
Deputy Commissioner of Internal Revenue.	3,500	3,200	R. S., sec. 322.
5 heads of division, Internal Revenue.	2,500	2,250	Volume 18, page 398.
Stenographer, internal revenue.	2,000	1,800	Volume 18, page 398.
Chief clerk, Light-House Board.	2,500	2,400	Do.
Commissioner of Navigation.	4,000	3,600	Sup. R. S., page 461.
Assistant treasurer at Baltimore.	5,000	4,500	R. S., sec. 3596.
Assistant treasurer at Chicago.	5,000	4,500	Do.
Assistant treasurer at Cincinnati.	5,000	4,500	Do.
Assistant treasurer New Orleans.	4,500	4,000	Do.
Assistant treasurer at St. Louis.	5,000	4,500	Do.
Assistant treasurer San Francisco.	6,000	4,500	Do.
Governor of Arizona.	3,500	2,600	R. S., sec. 1845.
Secretary of Arizona.	2,500	1,800	Do.
Governor of New Mexico.	3,500	2,600	Do.
Secretary of New Mexico.	2,500	1,800	Do.
Chief clerk, Patent Office.	2,500	2,250	R. S., sec. 440.
Chief clerk, Bureau of Education.	2,000	1,800	Do.
Commissioner of Railroads.	5,000	4,500	Sup. R. S., page 194.
Bookkeeper under Commissioner of Railroads.	2,400	2,000	Do.
Assistant bookkeeper under Commissioner of Railroads.	2,000	1,800	Do.
Director Geological Survey.	6,000	5,000	Sup. R. S., page 251.
Surveyor-general, Alaska.	3,000	2,000	R. S., sec. 2210.
Surveyor-general, California.	3,000	2,000	Do.
Surveyor-general, Colorado.	3,000	2,000	Do.
Surveyor-general, Florida.	2,000	1,800	R. S., sec. 2208.
Surveyor-general, Idaho.	3,000	2,000	R. S., sec. 2210.
Surveyor-general, Louisiana.	2,000	1,800	R. S., sec. 2208.
Surveyor-general, Minnesota.	2,000	1,800	Do.
Surveyor-general, Montana.	3,000	2,000	R. S., sec. 2210.
Surveyor-general, Nevada.	3,000	1,800	Do.
Surveyor-general, New Mexico.	3,000	2,000	Do.
Surveyor-general, Oregon.	2,500	2,000	R. S., sec. 2209.
Surveyor-general, Utah.	3,000	2,000	R. S., sec. 2210.
Surveyor-general, Washington.	2,500	2,000	R. S., sec. 2209.
Surveyor-general, Wyoming.	3,000	2,000	R. S., sec. 2210.
Disbursing clerk, Post-Office Department.	2,300	2,100	R. S., sec. 383.
Solicitor-General, Department of Justice.	7,500	7,000	R. S., sec. 347.
Solicitor Internal Revenue, Department of Justice.	5,000	4,500	R. S., sec. 349.

Total number of salaries in the bill at less than statute limit, 107.
Amount necessary to bring them up to statute limit, \$36,250.

Mr. MEYER. Mr. Chairman, I would like to ask the gentleman a question. I observe on page 47 of this bill that there is an appropriation made of \$4,000 for the assistant treasurer at the city of New Orleans. The law, I believe, fixes the salary of that officer at \$4,500. I observe also that with reference to the assistant treasurers at all the other points in this country the law is followed; for none of them is the appropriation less than \$4,500. Now, I wish to know from the gentleman in charge of this bill why an exception is made with reference to this particular officer, and why his salary is fixed at a point below that which the law authorizes.

Mr. McCALL of Tennessee. For the information of my friend from Louisiana [Mr. MEYER] I will state that that question was not raised at all before the committee. I am informed, however, that there are five other assistant treasurers in whose salaries the

same reduction is made as at New Orleans. The officer at that place is not discriminated against, but is placed in the same position with reference to salary as the assistant treasurers at Baltimore, Chicago, Cincinnati, St. Louis, and San Francisco. In thus providing for these salaries, the committee followed the precedents furnished by the action of past Congresses for many years.

Mr. MEYER. I do not understand by what authority the salary has been reduced from that fixed by law.

Mr. McCALL of Tennessee. I presume that the Congresses which have reduced these salaries heretofore did it on the same authority as the Congress that passed the statutes originally fixing the salaries.

Mr. MEYER. Well, Mr. Chairman, I give notice now that at the proper time I shall offer an amendment to restore the salary of this official to the amount that the law authorizes.

Mr. McCALL of Tennessee. Now, Mr. Chairman, if no further general discussion is desired—

Mr. HEPBURN. Mr. Chairman, I observe in lines 5, 6, and 7, on page 1 of this bill, the following language:

In full compensation for the service of the fiscal year ending June 30, 1897, for the objects hereinafter expressed.

Now, I understand from the gentleman from Tennessee [Mr. McCALL] that in a number of instances the appropriations carried by this bill as the salaries of specific officers are less than the salaries prescribed by the statutes. I wish to ask the gentleman whether it is supposed by the committee that the language which I have just read from the bill will preclude an officer for whom less than the statutory compensation is appropriated from demanding the full compensation fixed by the statute? Will it destroy his status in the Court of Claims when he urges his demand for the full payment of the sum named in the statute?

Mr. McCALL of Tennessee. The gentleman from Iowa asks for the opinion of the committee. It is the opinion of the committee that this clause will preclude an officer, under the circumstances stated, from setting up in the Court of Claims a claim for the difference between the amount of salary appropriated in this bill and the salary fixed by statute, and that opinion of the committee is fortified by decisions of the courts of the country.

Mr. HEPBURN. But suppose the officer refuses to accept the salary named in this bill; can he then be precluded in the courts from demanding the sum which the statute authorizes him to receive?

Mr. McCALL of Tennessee. The courts have so held. And if the officer does not wish to work for the salary proposed in the bill, I take it, if he should resign, the Government would not wait long before having offered to it the services of a hundred men ready to do the same work at the salary provided in the bill.

Mr. HOPKINS. I should like to say a few words on this bill.

Mr. McCALL of Tennessee. How much time does the gentleman want?

Mr. HOPKINS. Five minutes.

Mr. McCALL of Tennessee. Very well; I yield to the gentleman.

Mr. HOPKINS. Mr. Chairman, I do not wish to make any set speech on this bill. I rise for the purpose merely of calling the attention of members of the Committee of the Whole to the peculiar practice that has grown up with this Committee on Appropriations. I do not mean to refer to the particular subcommittee that has prepared this bill, but to the practice of the committee in general in changing the provisions of the statute law.

I observe from the statement made by the gentleman in charge of the bill that in some 20 instances the salaries of officers have been increased by this bill above the amount prescribed by law. I observe also that in 115 instances this bill reduces the salaries of officers in Government employ below the amounts stipulated in the law.

Now, Mr. Chairman, this Committee on Appropriations is appointed under the rules of the House, not for legislative purposes, not for passing upon the wisdom of existing law and changing it if in their judgment it is wise so to do, but they are charged under the rules of the House to report appropriations for these various officers in accordance with the provisions of law. We find, however, that in this bill there are 150 cases with reference to which the provisions of the statute book have been violated, there being in some instances, as I have said, an increase of salary and in others a reduction.

With reference to one or two instances cited by my friend from Tennessee there may be special reasons for an increase. In the case, for example, of the Commissioner of Pensions, I can see why a man charged with the vast responsibilities of that office should be paid more than \$3,000, as provided by the statute. But I can see no reason for reducing the salary of a clerk \$100 or \$200. I can see no reason why this Committee on Appropriations in their wisdom should undertake to repeal the law as provided by their predecessors and fix the salaries anew.

In many instances where the salaries have been increased I find the increase amounts to only two or three hundred dollars. Take,

for instance, some clerkships in the Land Office and in the Pension Bureau. Where, for instance, there is an increase from \$2,000, the salary provided by law, to \$2,250, that, in my judgment, smacks more of a spirit of favoritism toward particular clerks than it does of an effort to provide a general system in this matter. The true policy to be pursued, in my judgment, is this: If these inequalities exist, these gentlemen whose attention is called to them in making appropriations from year to year should come in here with a general law changing the salary allowed to these officers, so that the general public may know the amount of compensation given to these Government employees. A man who is not familiar with the general appropriation bill will go to the general statutes touching the subjects, but a person familiar with the workings of the House would go to the appropriation bill.

Mr. McCALL of Tennessee. I should like to ask the gentleman from Illinois whether his salary as a member of Congress is not fixed by law at \$7,500, while, in point of fact, he receives only \$5,000 as his compensation?

Mr. HOPKINS. Mr. Chairman, that simply emphasizes the position I am taking. A Congressman does not stand in any different position in respect to this matter from these other officers mentioned in the bill. The case which the gentleman puts is simply another evidence of the fact that a vicious system has grown up under the practice of the Appropriations Committee and that they have assumed to determine the amount of compensation that should be given to the public officers of this country, regardless of existing law.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having taken the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On February 19, 1896:

An act (H. R. 4145) to amend section 1309 Revised Statutes, providing a chaplain for the Military Academy;

On February 20, 1896:

An act (H. R. 3553) to incorporate the National Society of the Daughters of the American Revolution;

An act (H. R. 4991) to open forest reservations in the State of Colorado for the location of mining claims;

An act (H. R. 3728) to amend section 21 of an act entitled, "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889;

An act (H. R. 2654) to amend an act entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," approved May 11, 1892;

An act (H. R. 4810) extending the time within which the Maryland and Washington Railway Company shall be required to complete the building of the road of said company under the provisions of an act of Congress approved August 1, 1892, as amended by an act of Congress approved March 2, 1895.

NOTE.—The following bills were presented to the President on February 12, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they have become laws without his approval:

An act (H. R. 3812) to authorize the Arkansas and Choctaw Railway Company to construct and operate a railway through the Choctaw Nation, in the Indian Territory, and for other purposes;

An act (H. R. 3009) granting to the Brainerd and Northern Minnesota Railway Company a right of way through the Leech Lake Indian Reservation and Chippewa Indian Reservation in Minnesota.

The following bills were approved February 26, 1896:

An act (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

An act (H. R. 2642) granting leave of absence for one year to homestead settlers upon the Yanpton Indian Reservation, in the State of South Dakota, and for other purposes;

An act (H. R. 1442) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota";

On February 27, 1896:

An act (H. R. 4960) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1897;

An act (H. R. 1676) to change and fix the time for holding the district and circuit courts of the United States for the northern division of the eastern district of Tennessee; and

An act (H. R. 1785) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of

condemned cannon balls to W. H. Wallace Post, No. 66, Grand Army of the Republic, of Eldorado, Kans., and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. CANNON. Mr. Chairman, a word in reply to the remarks of my colleague who has just taken his seat.

This bill as reported, as has been already stated, except where clerks have been absolutely dropped out because their services were no longer necessary in the Department, carries recommendations for the full amount that the officials are now receiving. My colleague from Illinois criticises the committee for its work in connection with the preparation of the bill.

Mr. HOPKINS. Not this committee. What I refer to is the general practice of preparing appropriation bills not strictly in accordance with the letter of the law.

Mr. CANNON. In all of these reductions, the 107 cases, I will state to my colleague that they are substantially in accordance with the law for twenty years past, beginning in the Forty-fourth Congress. The increases have gradually crept in from year to year, but they are substantially also of many years' standing and they were made in the twenty-odd cases referred to by my colleague on the committee from Tennessee, because the salaries, fixed a generation ago, were not found to be adequate under existing circumstances. The reductions below what the law provides are found to be adequate, and therefore your Committee on Appropriations recommend according to the current law, because they believe it adequately provides for the public service.

Now, my colleague, or any other member of the committee can, if he desires to do so, make the point of order on the first clause of the bill to which he has referred, which provides that these salaries shall be in full compensation for all services rendered during the fiscal year. I say that he can make the point of order, if he regards the plan proposed as an improper one, or contrary to the law, or that it involves new legislation. If he thinks so, that right is open to him. I suppose—I do not know—it may go out of the bill on the point of order. I think, possibly, that it is subject to the point of order. It was made two or three Congresses ago, and the Senate performed its function, in my judgment, and put it back, not increasing, however, the salaries in the appropriation.

It is perfectly competent for the House of Representatives to appropriate less than the salary fixed by law; and when we get to these various items my colleague or anybody else who wants to increase the salaries recommended by the Committee on Appropriations because they are below the statutory requirements, from point to point as we reach them in the consideration of the bill, can offer amendments and take the sense of the committee upon them.

Mr. DINGLEY. And let me suggest to the gentleman from Illinois, also, that in the cases of the twenty-odd salaries which are fixed above the statutory provision the point of order will be good.

Mr. DOCKERY. Undoubtedly; and they could all be reduced.

Mr. CANNON. Certainly the point of order could be made against each and every one of them. In other words, the Committee on Appropriations, as the organ of the House, has performed its function according to the best of its judgment. It reports the bill for the consideration of the House. And it is in the power of any member of the Committee of the Whole to make points of order and to make motions for amendment in the shape of an increase or decrease, within the rules. We do not deprecate the making of points of order and motions to amend; and it will be for the Committee of the Whole House to refuse, if it sees proper, the recommendations of its smaller Committee on Appropriations. All we desire is the intelligent judgment of the majority of the Committee of the Whole House upon the work which we have presented.

Mr. HOPKINS. I think my colleague does not fully understand my position. The remarks I made are not for the purpose of increasing the salaries of any of the parties whose salaries have been reduced in the pending bill, because, as I understand my colleague, these reductions have been in existence for a number of years under the appropriation bills. The point I make is not against the personnel of the present committee, but against what has been assumed by previous Appropriation Committees, charged with the duty of making up these bills, that is, changing existing law in such bills and recommending new appropriations or different appropriations from those fixed in the statute law, instead of proposing or introducing a separate bill, if you please, changing the existing law to meet their views.

Now, it is far from me to make the point of order on the first section of the bill to which my colleague has referred, because I do not know, from the information I have regarding these officials and their duties, whether the salaries fixed in the bill are too high or too low, and I am not in a position to intelligently make that

objection, either on the increase or decrease of the salaries. But I do protest against the committee charged simply with the duty of making up the appropriation bill constantly recommending changes of existing law and coming in here with statements of that kind, when we, as members of the committee who are required to pass upon their recommendations, do not have sufficient information to properly judge of the merits of such recommendations.

Mr. HEMENWAY. Let me ask the gentleman this question: Does not the fact that these salaries—the 107 that have been reduced for twenty years—provide a sufficient and satisfactory service demonstrate the fact that the salary is sufficient? The service has been as well performed at the reduced salary as it was before, and does not that fact demonstrate the good judgment of the Committee on Appropriations in reducing these salaries?

Mr. HOPKINS. The gentleman's question is predicated on an assumption of fact that he and I know nothing of. I do not know whether the duties of these various officers have been as well performed since as before the reduction of their salaries; and if it is so, if it is as he suggests, it is an additional reason why there should be some general legislation fixing the salaries, instead of allowing a committee to change the law at their will and increase or decrease a salary in the individual cases which may come before them for consideration, without any other justification than that it was carried in some previous appropriation bill, contrary to the statute.

Now, I might say to the gentleman that the Commissioner of Pensions would discharge the duties of his office as efficiently at \$3,000 as he would at \$6,000, but the fact that he would do that would not, in my judgment, be a reason why we should take from him the amount of the salary that is allowed him in this bill. But I say, as I said before, that this Committee on Appropriations, before the days of the present personnel of the committee, have dropped into a vicious habit that has been followed out from year to year, and I think the time has arrived when the attention of this committee and of the House and the country should be called to it, and that these gentlemen, instead of pursuing this erroneous practice, should come in with a general law fixing the salaries of these officers and giving the reasons for the changes, so that they can be fixed in accordance with justice to the Government itself and the employees of the Government.

Mr. CANNON. If my friend sees proper to introduce a bill revising the salaries of officials in the public service, in the event that under the rules it would go to the Committee on Appropriations—

Mr. DOCKERY. It would not, however.

Mr. CANNON. I believe it would not, but if it should be sent there by the House, we will take great pleasure in giving either a favorable or an unfavorable report upon it.

Mr. HOPKINS. It is not for a single individual, certainly not one who is a member of another committee and unfamiliar with the details of the appropriation, to make a recommendation of that kind. If I served upon that committee and was as familiar with the subject-matter as my learned colleague from Illinois [Mr. CANNON], I certainly long before this would have brought in a bill revising the salaries of the Government officials and recommended its passage in the House.

Mr. DINGLEY. Mr. Chairman, a single suggestion, if the gentleman will pardon me. In justice to the Appropriations Committee, it should be said that originally, in reporting these reductions, the committee acted strictly within their authority under the then existing rules of the House. The then existing rules of the House authorized the Committee on Appropriations to report any change of appropriation or salary where there was a reduction. That was the law of the House, and hence the committee then were entirely within the law of the House in doing it.

Mr. HOPKINS. That was the rule of the House, but it was not the law of the country.

Mr. DINGLEY. But it made the law for the time being.

Mr. HOPKINS. It made the law for that particular Congress, provided the Government employee was willing to take the salary. But the danger of that is this: Of these 107 employees whose salaries are reduced here, if any one of them refuses to accept the salary provided in this bill, there is no lawyer in this body but what will acknowledge that that employee can go before the Court of Claims and sue and recover the amount of the salary provided for in the general law. Now, I say for one that such a condition of affairs ought not to exist.

Mr. DINGLEY. It will not if the provision in the first section is adopted.

Mr. HOPKINS. This does not bar the employee from suing unless he accepts the salary?

Mr. DINGLEY. If he accepts the salary and draws it, that is conclusive.

Mr. HOPKINS. If he accepts; but supposing he does not accept?

Mr. DINGLEY. Supposing he does not. Under that provision the bill fixes the salary for the fiscal year 1897.

Mr. HOPKINS. Not at all.

Mr. DINGLEY. Certainly it does.

Mr. HOPKINS. Not at all. The bill fixes it provided the person whose salary is affected by this appropriation accepts the amount; but there is no lawyer but will say that if he refuses to accept it and goes into the Court of Claims he can recover the amount, not of the appropriation fixed in the bill, but the amount provided by the general law.

Mr. CANNON. My colleague and I are both of age and both have had some little experience. Does my colleague have any idea that that question will ever arise? In other words, does my friend think anybody will refuse to accept the salary?

Mr. HOPKINS. Well, I am not prepared to answer that question. I trust they will all accept the amount provided in this bill. I only make the point to show the vicious character of these bills that are brought in here year after year, and to emphasize the fact that there should be a general revision of the law fixing the salaries of these persons, so as to provide against any such contingency as the one that I have here suggested.

Mr. DINGLEY. Few die and none resign.

Mr. McCALL of Tennessee. Mr. Chairman, I have no desire to cut off general debate at all, but I think it would be better to limit the debate in some way. I therefore ask unanimous consent that the general debate upon this appropriation bill be limited to forty-five minutes. I understand there is to be an amendment offered by the Judiciary Committee, embracing what is known as the salary bill, and I should like to ask the chairman of that committee what time he would like in which to discuss that.

Mr. HENDERSON. Mr. Chairman, the Committee on the Judiciary would like two hours, to be consumed to-morrow in general debate on the fee bill or salary bill.

Mr. DOCKERY. That is, as I understand the gentleman from Iowa, when we reach the point where that amendment is moved.

Mr. HENDERSON. Yes; when the amendment is moved to-morrow. It will be offered to-morrow. Then we should like unanimous consent that two hours be given to the Committee on the Judiciary to control in the discussion of the fee bill.

Mr. HOPKINS. Mr. Chairman, before any time is fixed upon, I would like to ask the chairman of the Committee on the Judiciary the character of this bill that he proposes to make an amendment to the present bill. Is it a general revision of all the officers of the Government in the judicial department of the Government?

Mr. HENDERSON. Mr. Chairman, it does not touch the clerks of courts at all as to their compensation, but it puts upon salaries United States district attorneys and United States marshals, and cuts down, in some respects, the fees of United States commissioners. That is the general scope of the bill. The details of it we will go into when general debate is had.

Mr. RICHARDSON. I would like to ask a question of the chairman of the Committee on the Judiciary.

Mr. HENDERSON. If we can have order, I will be pleased to answer.

The CHAIRMAN. Gentlemen will please cease conversation. All members will be seated.

Mr. RICHARDSON. I do not understand that the request of the gentleman from Iowa has been disposed of.

The CHAIRMAN. It has not been submitted.

Mr. HENDERSON. I am coupling it with the request of the Committee on Appropriations.

Mr. RICHARDSON. I just want to ask the gentleman if this proposed measure fixes the salaries of all marshals in the United States?

Mr. HENDERSON. All of them except the southern district of New York, which is exempt from the operation of the bill, as that is working under a special act of Congress; and, on the recommendation of the Attorney-General, that and Alaska were excepted from the provisions of the bill. All these details will be explained fully in general debate. I wish to say to the committee that of course this bill will be considered in Committee of the Whole under the five-minute rule, and every opportunity will be given for offering amendments that may be desired.

Mr. HOPKINS. As fully as if it were considered as a separate measure?

Mr. HENDERSON. Yes.

Mr. RICHARDSON. If the gentleman will pardon me, has the measure which he desires to offer been unanimously reported from the committee of which he is chairman?

Mr. HENDERSON. It is unanimously reported by the Committee on the Judiciary, and we are agreed as to the time asked for general debate. We may not need more than an hour, and yet we ask for two hours, so there may be plenty of time.

Mr. RICHARDSON. Has the bill and report been printed?

Mr. McCALL of Tennessee. If that is satisfactory, I ask unanimous consent—

Mr. McRAE. It is not satisfactory.

Mr. HENDERSON. The request made in behalf of the fee bill is for two hours, and the Committee on Appropriations is asking for forty-five minutes.

Mr. JOHNSON of California. Then the debate under the five-minute rule will be how long?

Mr. HENDERSON. The Committee of the Whole will determine that.

Mr. RICHARDSON. Will the gentleman state whether that report and bill has been printed?

Mr. HENDERSON. The bill has been printed. The report was made this morning and has gone to the Government Printing Office now.

Mr. McMILLIN. What was the suggestion as to the time to which debate was to be limited?

Mr. HENDERSON. Two hours' debate on the fee bill tomorrow.

Mr. McMILLIN. Does not the gentleman think it would be better to leave that open until members shall have had an opportunity to look at the bill and determine what amount of debate they desire.

Mr. HENDERSON. I am quite willing to leave it open and let the request for the limitation of debate be made on the appropriation bill.

Mr. McMILLIN. A reasonable debate is all that is desired, I presume?

Mr. HENDERSON. When the bill is offered in the morning the request will be made for two hours of general debate.

Mr. McRAE. That is entirely too short.

Mr. CANNON. Now we can go on.

Mr. McCALL of Tennessee. If that is satisfactory, I ask unanimous consent that general debate on this bill be limited to forty-five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that general debate upon this bill be limited to forty-five minutes. Is there objection?

Mr. McMILLIN. Am I to understand that the question of the length of debate on the fee bill is to be left open?

Mr. CANNON. Oh, yes.

Mr. McCALL of Tennessee. Certainly.

The CHAIRMAN. With the understanding that when the fee bill is introduced as an amendment the committee shall then fix the time for general debate on the fee bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

For 38 annual clerks to Senators who are not chairmen of committees, at \$1,200 each, \$45,600.

Mr. JOHNSON of California. Mr. Chairman, I desire to ask the gentleman in charge of this bill, or the chairman of the Committee on Appropriations, under what statute or resolution or by what authority the item just read appears in this appropriation bill.

Mr. McCALL of Tennessee. In reply to the gentleman I will state that there is no authority for this appropriation except the fact of its appearance in the appropriation bills from year to year. It is not provided for by statute or by joint resolution. The appropriation was first made, I understand, three years ago.

Mr. JOHNSON of California. The fact is, then, that we simply put into this appropriation bill this much money to pay clerks for Senators, without any authority of law?

Mr. CANNON. I will state to the gentleman from California that the force of clerks for individual Senators was provided for, in the first instance, by the Senate passing a resolution to pay their clerks from the contingent fund, and in connection with that the Senate put on an amendment increasing the contingent fund. That action led to a contest between the two Houses—in fact, to several bitter contests—but the Senate, being a coordinate branch of Congress, insisted on its point, and this force being for the service of the Senate, the Senators had their way. Later on the Senate amended the bill so as to provide clerks for Senators at an annual salary. That proposition was fought bitterly in the House, but the Senate stood, if the gentleman will allow me the expression, "pat," and said: "This is for our own convenience," and they had their way, because no bill can pass without an agreement between the two bodies. The fight on the part of the House had been made so often and with such ill success that in the last Congress this appropriation providing for the payment of clerks for Senators was put on the bill in the House. In other words, the contest had been fought so often and so bitterly and with so little success that it was deemed better to put the item in the bill. I will say to the gentleman, however, that I think it is subject to a point of order.

Mr. JOHNSON of California. I wish to say, Mr. Chairman, that I understand the explanation made by the gentleman from Illinois, with the single exception of some technical, abstruse term which he used, but which I suppose is well understood in Illinois, though unfamiliar in California. [Laughter.] I will ask the gen-

tleman, however, why should not the House "stand pat," as the Senate did?

Mr. CANNON. Oh, no. It was invented in California and put into the dictionary there. [Laughter.]

Mr. RICHARDSON. Perhaps the gentleman from California will repeat the language, so that the members of the committee may have it before them. [Laughter.]

Mr. JOHNSON of California. It is not necessary that I should repeat it for the gentleman's benefit, because I understand the term is very familiar in Tennessee as well as in Illinois. [Laughter.] Now, Mr. Chairman, I understand from the chairman of the Committee on Appropriations that there is no legal warrant for this item; that it is not authorized by any statute or any resolution of the two bodies, but that this is simply a naked, bald appropriation put into this bill to pay these annual clerks of Senators. Am I correct in that?

Mr. CANNON. There is no joint resolution and no statute which authorizes this appropriation.

Mr. JOHNSON of California. I frankly confess that I am not as familiar with the rules of this body as I wish I were, or as I probably should be with the technical term used by the gentleman from Illinois awhile ago if I had studied the dictionary with proper attention. [Laughter.] I would like to inquire, however, if it is in order to offer an amendment to this particular paragraph providing for paying annual clerks for members of the House of Representatives.

Mr. CANNON. My understanding is that such an amendment would not be germane; because we are now providing for a Senate force. Later we shall come to the paragraphs providing for the House of Representatives and then such an amendment might be in order.

Mr. JOHNSON of California. But why can we not amend the bill in any part, at any place? There is no law prohibiting that to be done, or requiring it to be done in a certain way, is there?

Mr. CANNON. I would say to the gentleman that the rules of the House provide that an amendment must be germane.

Mr. JOHNSON of California. Mr. Chairman, whenever anybody wants to do anything in this House for the purpose of expediting its business, or doing justice as between its members and the public business, somebody always gets up and says that the rules of the House provide differently. [Laughter.] Now, sir, I think it would be a good plan for us to tackle those rules at some time, and not, in the expressive language of the gentleman from Illinois, to "stand pat" upon them all the time. [Laughter. Cries of "Read!"]

Mr. McCALL of Tennessee. Mr. Chairman, I make the point of order that there is nothing pending before the committee.

Mr. RICHARDSON. We have a right to debate this paragraph.

Mr. McCALL of Tennessee. But no amendment has been offered to it.

Mr. RICHARDSON. That does not matter. The paragraph is pending and has not been adopted. I understand the gentleman from Illinois to concede that this provision in the bill is subject to the point of order.

Mr. CANNON. Yes, sir.

Mr. RICHARDSON. Now, why does not my friend from California insist on his point of order? His objective point, as I understand it, is to get annual clerks for members of the House.

Mr. JOHNSON of California. Yes, sir.

Mr. RICHARDSON. Now, then, insist on the point of order and let this go out, and then when the Senate puts it in they will put in a provision to give members as well as themselves annual clerks. When the Senate amendment comes to the House giving members annual clerks, the House can keep it in if it wishes to do so.

Mr. JOHNSON of California. Pardon me. Can you vouch for the fact that the Senate will put it in for both of us? [Laughter.]

Mr. RICHARDSON. I guarantee that they will put it in for themselves, and I think they will put it in for the House, because, as the gentleman from Illinois has suggested, they have done so heretofore. The Senate did, as the gentleman from Illinois has stated, insert in a former bill a provision to give clerks to members of the House; but the House in its magnanimity declined to accept that amendment of the Senate. It may be possible now that, inasmuch as the business of members has increased so greatly, the House would not at this time decline to accept such an amendment.

Mr. HEPBURN. It is barely possible that the chairman of our committee would not permit it to be done. I understand that he is not favorable to such a provision; so that, although the provision might be entirely agreeable to the Senate conferees, we shall probably have to convert the chairman of our own committee to a conviction that that is a proper measure.

Mr. SHAFROTH. I observe that on page 16 of the bill there is a provision of clerk hire for members—

Mr. JOHNSON of California. We have not come to that yet; let that wait for a while.

Mr. Chairman, it seems to me that the objection urged by my friend from Iowa [Mr. HEPBURN] is not tenable, because as I un-

derstand the rules, on any amendment put upon the bill by the Senate no point of order can be raised in this House. Am I correct in that position? I understand from gentlemen around me that I am. Then, if the Senate should put on this bill an amendment allowing annual clerks to Members and Senators, I do not think any point of order here would carry much weight.

I will say to the gentleman from Tennessee [Mr. RICHARDSON] that so far as I am concerned, speaking only as one member, I am prepared to vote an annual clerk to every member of this body. I think we need such assistance much more than Senators do; and I thank the gentleman for calling my attention to the fact that he ruled such a proposition in order at the last session and voted for it.

Mr. CANNON. Allow me a word. This debate is necessarily proceeding by unanimous consent. The best way of meeting this question is to be entirely frank. I have no doubt that the clause in this paragraph providing for clerks to Senators is subject to a point of order. Later on in the bill there is a clause appropriating for session clerks to members of the House. That is in pursuance of law. I have no doubt that if there should be an effort later on to amend that provision so as to cover annual clerks to members of the House, somebody would make a point of order on it.

Mr. JOHNSON of California. You will not? [Laughter.]

Mr. CANNON. I do not say that I will or that I will not.

Mr. JOHNSON of California. Suppose we make a bargain? [Laughter.]

Mr. CANNON. I say I have no doubt somebody would make a point of order upon it; and right here I want to state to the gentleman from California in complete fairness that as this debate is proceeding now by unanimous consent, no amendment having been offered, a point of order would still be in time; but if we should entertain and discuss an amendment it would be too late afterwards to make a point of order on the text of the bill. I shall not make the point of order because the committee has reported this provision; but it is subject to a point of order.

Mr. JOHNSON of California. Well, Mr. Chairman, I do not want to make a point of order. I believe in having annual clerks for Senators and Members. I have made my suggestion in good faith. Suppose we agree that we will not make a point of order upon either of these provisions?

Mr. RICHARDSON. I suggest to the gentleman that, in my judgment, unless he makes a point of order upon this provision he will never get annual clerks for members. The gentleman from Illinois [Mr. CANNON] would not make the "bargain" which my friend from California so politely invited him to make; the gentleman from Illinois would not agree not to make a point of order upon an amendment providing for annual clerks to members; and even if the gentleman from Illinois should not make the point, some other gentleman would. The clause giving to members of the House clerks for the session can not be amended so as to meet the wishes of the gentleman from California, because such an amendment would be obnoxious to the point of order. Now, I suggest that, if the gentleman wants an annual clerk, the only way in which he can get one is to make the point of order now. If he does not insist upon the point now, he may as well give up the idea of annual clerks for members of the House.

Mr. JOHNSON of California. In matters of this kind I am a babe in swaddling clothes. [Laughter.] If my friend from Tennessee [Mr. RICHARDSON] gets me into trouble in this matter he will have to carry me out of the trouble. I am reasonably able to look out for myself if I am permitted a fair show. But he will have to give me that fair show and help me out.

Mr. RICHARDSON. I can only promise to stand up to the suggestion I make.

Mr. JOHNSON of California. That is all I want. You stood up last year most admirably. Mr. Chairman, I raise the point of order that this paragraph is not in order—I do not know exactly the technical language to use—[laughter]—but I make the point that the provision is not authorized by any statute or resolution, or as a gentleman suggests, is a change of existing law.

Mr. McCALL of Tennessee. I submit that the point of order comes too late.

The CHAIRMAN. The gentleman from Tennessee suggests that the point of order comes too late. The gentleman from California will remember that this paragraph has been under debate for some minutes.

Mr. JOHNSON of California. I rose immediately when the section or paragraph had been read.

The CHAIRMAN. But the gentleman rose for the purpose of inquiry or debate—

Mr. JOHNSON of California. I beg the pardon of the Chair. I rose for the purpose of learning whether the provision was authorized by law; and the chairman of the committee [Mr. CANNON] told me that I could make a point of order.

Mr. CANNON. If the Chair will allow me a moment on the question of order.

It seems to me that the discussion has been proceeding under

unanimous consent presumed, for otherwise it would have been out of order. There has been no amendment to the proposition; no motion to strike out or anything of that kind, and there has been no parliamentary step which would warrant the committee in indulging in the debate except by unanimous consent. I merely submit to the Chair whether or not talk, out of order, without any parliamentary step taken or sought to be taken, would of itself waive the question of order?

Mr. RICHARDSON. If I may be permitted, Mr. Chairman, I distinctly understood the gentleman from Illinois in the course of his remarks to state to the gentleman from California that the point of order could be made upon this provision, and it would be misleading to our youthful and guileless friend from California [laughter], who confesses to the condition in which he finds himself on account of his youth—I say it would be misleading to suggest that the point may be made and then refuse to allow him that privilege. I do not think we ought to take advantage of the fact, when he states that he was on his feet for that purpose; and he was certainly misled, of course without any such intention, by the gentleman from Illinois, who said that the point of order would be good against the paragraph.

Mr. JOHNSON of California. That is exactly what the chairman of the Committee on Appropriations said to me, that the point of order would lie against that provision of the bill. I was inquiring about the matter with a view to determining the facts. The gentleman from Missouri [Mr. DOCKERY] said also, sotto voce, the same thing, and the gentleman from Tennessee [Mr. RICHARDSON], and other gentlemen around me. I was simply inquiring as to the status of this particular paragraph, to know whether the point of order could be made against it or not.

The CHAIRMAN. The Chair understood the gentleman from California to inquire of the gentleman from Illinois whether an amendment to the paragraph would be in order, including clerks to members of the House. The Chair understood it to be only an inquiry, and there was no suggestion as to a point of order against the paragraph when the gentleman first rose.

Mr. JOHNSON of California. I asked the gentleman whether there was any law or any resolution authorizing this matter. Then when he said there was not he admitted that the point of order would be good against it. I asked other questions for information, and the discussion went on in that manner for a few moments until I made the point of order.

It seems to me, therefore, that the ruling of the Chair is even a little more than technical when he says that I have waived any right that I had in the matter, when in my ignorance of the rules of the House I thought I was saving all my rights. I was afraid I would get into trouble. [Laughter.]

Mr. McCALL of Tennessee. Mr. Chairman, I think the point of order evidently comes too late.

If gentlemen will reflect a moment they will remember that the gentleman from California said that he did not desire to make the point of order, but was willing to vote a salary, in connection with this provision, to clerks of House members. My colleague [Mr. RICHARDSON], soon after I had made the point that there was nothing pending, said that we had a right to discuss the provision.

Mr. BAILEY. If the gentleman from Tennessee will permit me, I understood the gentleman from California to say distinctly that he did not desire to make the point of order upon the provision.

Mr. McCALL of Tennessee. That was my understanding, as I stated a moment ago.

Mr. BRUMM. Mr. Chairman, it seems to me that on a question of this kind, where the point of order is said to come too late and there is a dispute as to what a member said, the criterion ought to be not as to what the member actually said, but as to what he intended at the time he rose.

Now, the gentleman from California has stated openly and frankly, and it should not be disputed, because he makes the statement himself, that he rose for the purpose of getting information in reference to this paragraph; that when he discovered that the point of order could be raised upon it he at once made the point of order, or as soon as the opportunity was offered to him, and it seems to me to be taking snap judgment on a young member, who pleads his own ignorance, to take advantage of the fact that he did not make the point of order in the first instance, although that was his evident intention. It ought not to be done. He ought to be entitled to all of the rights the rules give in the matter. The criterion ought to be what he intended to do, and no technical advantage ought to be taken of the fact.

I hope, therefore, that the Chair will not decide this question without giving weight to the statement of the gentleman from California, that it was his purpose to make the point of order if he found it possible to do so. In these matters, of course we should all be treated fairly and alike. The mere fact of his saying something that might be construed as going into the debate on the general question, and thereby waiving the point of order, ought not

to take him from the floor or permit advantage to be taken of that technicality.

Mr. HILL. I would like to submit a parliamentary inquiry to the Chair. Will the Chair kindly inform an ignorant member of the House what rule or order of the House prevents a point of order to be raised upon a provision at any time before the final decision of the question under consideration?

The CHAIRMAN. The Chair does not know whether there is such a provision in the rule or whether it has grown out of the uniform practice of the House. But it has been uniformly held, and the members during this Congress have been reminded of it time and time again, that after the debate has begun on a paragraph or an amendment it is then too late to raise the point of order.

Of course there is no rule that applies differently to the younger or the older members. The rules apply to all alike, and the Chairman can only enforce the rules as they are. The practice of the House has always been that when a clause has been entered upon, and debate has been had upon it, or when debate has been had upon an amendment offered to any clause of the bill, the point of order would be too late and could not be entertained. Sometimes when a member rises and states that he rose in the first instance and tried to get the attention of the Chair to make a point of order and was not heard, the Chair recognizes that fact. But this is an entirely different case. The gentleman from California rose for the purpose of making inquiry in the first instance, to ascertain whether his amendment would be entertained as germane.

Mr. JOHNSON of California. No; I rose in the first instance to inquire whether this paragraph was authorized by any statute or resolution.

The CHAIRMAN. Very well. If the gentleman asked that in the first place, he subsequently asked the question whether an amendment to it would be in order. Then he stated once or twice during the course of his debate that he did not wish to raise the point of order upon this paragraph. Now, it seems to the Chair that, after all that, the point of order comes too late.

Mr. HILL. The point I wish to make is this, that we are supposed to be governed by the rules of the House as adopted by the House, and not by ancient custom. I ask that some rule of the House may be shown under which this point of order is not proper to be made at this time.

Mr. TAWNEY. I ask unanimous consent that this paragraph be passed for the present.

Mr. CANNON. Mr. Chairman, under the rule of the House, where the rules are silent there is a general rule that adopts the parliamentary law, and the common parliamentary law, as settled by the House of Representatives, and the practice from the foundation of the Government is in harmony with the general statement of the Chair.

Mr. RICHARDSON. Mr. Chairman, if the gentleman from California will yield to me—

Mr. JOHNSON of California. Yes, I will yield to the gentleman.

Mr. RICHARDSON. I understand the Chair to have held that this point of order comes too late?

The CHAIRMAN. That is the opinion of the Chair. The Chair, however, before finally announcing the decision, will hear the gentleman from Tennessee or the gentleman from California, if they desire to be heard.

Mr. RICHARDSON. I yield to the gentleman from California, if he wishes to debate it.

Mr. JOHNSON of California. I only ask unanimous consent that this paragraph and the ruling of the Chairman, and all matters connected with it, be laid aside temporarily, to be taken up later, or when we reach page 16.

The CHAIRMAN. The gentleman from California asks unanimous consent that this paragraph be passed over for the present, to be taken up at a later time, and that the point of order be considered as pending against the paragraph. Is there objection to the request?

Mr. McCALL of Tennessee. I object.

Mr. BRUMM. Now, if the Chair will permit me to make one suggestion with reference to this matter—

The CHAIRMAN. Does the gentleman from California yield?

Mr. JOHNSON of California. I yield to the gentleman, yes.

Mr. BRUMM. The gentleman from California states distinctly that what he did when he first got up was to make an inquiry in the nature of a parliamentary inquiry, and it was for the purpose of getting information as to whether a point of order was necessary to get at the true status; and if it was in the nature of a parliamentary inquiry, I trust the Chair will certainly not construe that into being debate, and then take, as I said before, snap judgment on him under these conditions.

Mr. JOHNSON of California. I understand the gentleman from Tennessee [Mr. McCALL] is willing to withdraw his objection.

The CHAIRMAN. The Chair is informed that the gentleman from Tennessee withdraws his objection.

Mr. McCALL of Tennessee. I withdraw my point that the point of order comes too late.

Mr. BAILEY. I renew it as to the point of order coming too late. I am perfectly content that it shall be passed over until we reach page 16.

Mr. JOHNSON of California. That is what I meant, unanimous consent—

Mr. CANNON. Then I will ask unanimous consent that the clause go out.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the clause be stricken out of the bill. Is there objection?

Mr. JOHNSON of California. Yes; I object to that.

Mr. CANNON. Then, in the absence of any motion, I ask that the Clerk read.

Mr. MOODY. I have an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MOODY] desires to offer an amendment to the paragraph.

Mr. MOODY. I move to strike out the paragraph.

Mr. JOHNSON of California. I understand the chairman of the Committee on Appropriations wants unanimous consent that this go out.

Several MEMBERS. He did not get it.

Mr. JOHNSON of California. I withdraw my objection, at the suggestion of my friend from Tennessee.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the clause be stricken out of the bill.

Mr. BAILEY. I think it had better be voted out.

The CHAIRMAN. Is there objection to the request?

Mr. BAILEY. I object.

Mr. RICHARDSON. Then I suggest that the gentleman from California move to strike it out.

Mr. MOODY. Mr. Chairman, that is my motion.

Mr. JOHNSON of California. I want to inquire whether or not the request that I made for unanimous consent that all action on this paragraph, including the point of order, be postponed until we reach and finish page 16 has been objected to? The gentleman from Tennessee [Mr. McCALL] withdrew his objection.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McCALL] withdraw his objection?

Mr. McCALL of Tennessee. I withdraw the objection that I made that the point of order came too late.

The CHAIRMAN. The gentleman from Tennessee [Mr. McCALL], as the Chair understands, does not withdraw the objection to the request that the paragraph be passed over.

Mr. McCALL of Tennessee. I do not withdraw the objection to the request that the paragraph be passed.

The CHAIRMAN. The gentleman from Tennessee objects.

Mr. HEPBURN. A parliamentary inquiry. Would it be competent now to ask that the further consideration of this clause be postponed until we reach the same section as it applies to the House, on page 16?

The CHAIRMAN. It can only be done by unanimous consent.

Mr. JOHNSON of California. That is what I asked.

Mr. HEPBURN. I ask unanimous consent that the further consideration of this clause be postponed until we reach, on page 16, the corresponding item applying to the House of Representatives.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the further consideration of this clause be postponed until the committee reaches page 16, where there is a similar provision for the House of Representatives. Is there objection?

Mr. CANNON. I suggest—that is equivalent to an objection when I make the suggestion—I would suggest to the gentleman from Iowa and the gentleman from Tennessee, in charge of the bill, if it meets their approval and that of the committee, that we pass this clause with the privilege of returning to it on or before the completion of the bill.

Mr. DOCKERY. That is right.

Mr. JOHNSON of California. Is not that the same thing?

Mr. CANNON. No. I will ask for that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this paragraph be passed with the privilege of returning to it on or before the completion of the consideration of the bill.

Mr. JOHNSON of California. And that the decision of the Chair on the point of order is still open?

The CHAIRMAN. The gentleman has not asked that.

Mr. JOHNSON of California. I ask that.

The CHAIRMAN. That is the proposition which is excepted to. The Chair will, however, put it to the committee.

Mr. HEPBURN. That is unnecessary, because the gentleman from Tennessee [Mr. McCALL] has withdrawn his objection that the point of order was too late.

Mr. BAILEY. In order that there may be no mistake about that, I renewed the point of order.

The CHAIRMAN. The gentleman from Texas renewed the

point of order, and the Chair has substantially sustained it. The request is for unanimous consent that this clause be passed over with the privilege of returning to it on or before the completion of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Under Architect of the Capitol: For chief engineer, \$1,700; two assistant engineers, at \$1,200 each; four conductors of the elevators, at \$1,100 each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, \$820; five firemen, at \$900 each; electrician, \$1,200; laborer, \$800; laborer to clean Statuary Hall and watch statuary therein, \$660; in all, \$16,480.

Mr. SMITH of Illinois. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 21, page 11, strike out the word "eight" and insert in lieu thereof the word "one," and in line 22, page 11, strike out the word "hundred" and insert in lieu thereof the word "thousand."

Mr. McCALL of Tennessee. I make the point of order that we had passed that in the reading.

Mr. SMITH of Illinois. I offered it immediately after the reading of the clause.

Mr. McCALL of Tennessee. I reserve the point of order on the amendment.

Mr. SMITH of Illinois. This is under the head of "Architect of the Capitol," and I offered the amendment just as soon as I could offer it. Of course, I was compelled to wait until the reading of the paragraph had been concluded.

The CHAIRMAN. The Chair apprehends that that is not the point of order.

Mr. DOCKERY. I would be glad if the amendment should be stated again.

The amendment was again reported.

Mr. SMITH of Illinois. The amendment is simply this: That that laborer should receive \$1,000 instead of \$800. That is all there is to that amendment. My reason for offering it is this: That laborer has more work to perform than many other parties employed in this Capitol who receive \$1,100 or \$1,200 a year. The duty of that laborer consists of taking charge of an engine and the lighting of this end of the Capitol. Also, he is required, from morning until this House adjourns at night, to be on duty all the time. I presume there are but few members of this House who have ever walked to the top of the Dome of this Capitol, and yet that laborer has to do so twice every night that the House is in session to light up the Goddess of Liberty, I believe it is, that stands on the top of the Dome, and to extinguish the light afterwards. In addition to those duties, there has been placed upon him what was never asked of a man filling that place before, that is, to take charge of a corridor in the basement that is longer, I presume, than from here to the Peace Monument, the worst corridor in the basement of this building; and I am also told that until the gentleman who now performs these duties came in there was a separate laborer who was paid \$500 a year for taking charge of that corridor; and there is to-day another laborer who has a shorter corridor to attend to who receives \$50 a month for doing that. So this gentleman is performing the duties of two men, of two laborers, and has no one to "spell" him, as we would say, when "tired nature" may want to seek repose. [Laughter.] We have four elevator men to-day, and they receive \$1,100 each; and yet they are not on duty any longer than is this one laborer. Now, all he asks is this, and it is perfectly reasonable that he should have it: That his salary be increased from \$800 to \$1,000 per annum. Certainly that will appeal to the good sense and judgment of the members of this House. His duties are just as I have stated them, and he performs them faithfully and well; and instead of paying \$1,400 in having two men to do that work, he is willing to do it for \$1,000 a year. I hope the amendment may be concurred in.

Mr. McCALL of Tennessee. Mr. Chairman, I make the point of order against the proposed amendment that it changes existing law. I find that the last appropriation bill fixed this salary at \$800 a year, and I understand that by a ruling of the Chairman of the Committee of the Whole the preceding appropriation bills in the last Congress have been held to be the existing law where there is no statute to the contrary. That being so, this amendment is subject to the point of order that it changes existing law.

Mr. GROSVENOR. Mr. Chairman, has it not been held by the Chair that an appropriation bill is the existing law?

Mr. SMITH of Illinois. I was going to ask that question.

Mr. GROSVENOR. Because, if that be so, then an amendment which I desire to offer at the proper time in regard to the use of the fees of the clerks of courts of appeal will be in order, for the reason that on the last appropriation bill that disposition was made of them. I have argued in times gone quite the reverse of my present contention, but I desire to say now that on all former occasions I was entirely wrong. [Laughter.]

Mr. SMITH of Illinois. I hope the gentleman in charge of this bill will not seek refuge behind a point of order when, if I have stated the facts, and I have, this case certainly appeals to the good

sense and the good judgment of the members of this House. I trust the gentleman will withdraw his point of order and let the amendment be adopted.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Tennessee if the appropriation carried in the last bill purported to fix the salary, except for that year, like the provision in the pending bill?

Mr. McCALL of Tennessee. It did not.

The CHAIRMAN. Then the Chair overrules the point of order. Mr. SMITH of Illinois. Mr. Chairman, I ask for a vote upon my amendment.

Mr. CANNON. Mr. Chairman, I wish to ask my colleague what assurance he has that if this appropriation is increased from \$800 to \$1,000 the man he has in his mind will get it.

Mr. SMITH of Illinois. Simply that I suppose that if we provide a certain salary for the man who is now performing the duty there will be sufficient honesty on the part of the disbursing officer to pay the salary which is provided for by Congress.

Mr. CANNON. How long has this man been at work?

Mr. SMITH of Illinois. He has been at work in the position he is now holding for a year.

Mr. CANNON. I find in this same paragraph a provision for a laborer at \$820.

Mr. SMITH of Illinois. That is a different one entirely. This is the one that takes charge of the engine.

Mr. CANNON. There is nothing to prevent the changing of the positions of the two men by appointment.

Mr. SMITH of Illinois. Oh, I am not concerning myself at all about changes by appointment. I am willing, and so is the gentleman willing, to take his chances of getting the amount if it is allowed in this bill.

Mr. CANNON. I only wanted to know what assurance my colleague had that the man he had in his mind would get the money. Now I will ask him another question, whether this is a real laborer or somebody who holds a sinecure and does no work, but hires a man to do it for him for a less sum than he is paid?

Mr. SMITH of Illinois. The gentleman here concerned attends to his duties from early morning until long after this House adjourns and no one assists him. He has no assistant provided and he is not able, out of the salary he receives, to employ some one to do the work and let him sit around warming his toes at the radiator.

Mr. DOCKERY. I suggest to the gentleman that this proposed increase of salary is not submitted in the estimates of the Architect of the Capitol, under whom this gentleman performs his daily duties. I want to say, further, that although quite a number of increases of salaries were submitted by the heads of Executive Departments and officers of the Government, the Committee on Appropriations thought this was not an opportune time to recommend such increases to the House; so that if this increase be made the action will be taken in the absence of any estimate submitted by the proper officer, and also in disregard of the action of the Committee on Appropriations in refusing to report other proposed increases of salary.

Mr. SMITH of Illinois. In reply to that, Mr. Chairman, I will say that it is not customary; and has not been during the years I have been in Congress, for the Architect of the Capitol in furnishing his estimates of expenses to be continually changing the salaries. That is usually done by the House itself, or by the Committee on Appropriations in framing its bill.

Mr. DOCKERY. Will my friend allow me to suggest that the law expressly requires the Architect of the Capitol to submit his estimates through the Secretary of the Treasury, who sends them to the Speaker of the House, by whom they are referred to the committee?

Mr. SMITH of Illinois. I understand that; but it is entirely probable that the Architect of the Capitol, in view of his other duties, does not always bear in mind all the different employees under him, or the question whether they are being sufficiently compensated for the work they perform. I ask for a vote.

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

Mr. SMITH of Illinois. I ask for a division.

The committee divided; and there were—ayes 43, yeas 36.

So the amendment was agreed to.

The Clerk read in full the paragraph providing for employees in the Doorkeeper's department.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 15, after line 6, insert "for the employment of Joel Grayson in the document room, \$1,500."

Mr. McMILLIN. Mr. Chairman, I will reserve the point of order on that amendment until I hear an explanation of it.

Mr. CANNON. The gentleman can reserve his point of order and I can state in a minute all that I desire to say about this amendment. Provision for this officer for the balance of the fiscal

year was put on the urgent deficiency bill. The officer referred to is Joel Grayson; everyone knows who he is. He is engaged in the document room, and has been there for many years. He does his work well. He was carried by a resolution adopted in the last Congress. I presume this is all that is necessary to be said, unless the gentleman from Tennessee wants to ask some further question.

Mr. McMILLIN. I did not understand the effect of the amendment, and therefore reserved the point of order.

Mr. CANNON. The amendment is simply to continue this officer for the coming year.

Mr. McMILLIN. I did not know but that the amendment might involve the creation of a new office.

Mr. CANNON. No, sir.

The amendment was agreed to.

Mr. ODELL. I move to amend by striking out after the word "laborer," in line 9, the words "four hundred" and inserting "seven hundred and twenty," making the salary of this laborer \$720. This is to carry out the resolution adopted by the House one day last week fixing the salary of this laborer at \$720 instead of \$400. The resolution was adopted upon the report of the Committee on Accounts.

Mr. MCCALL of Tennessee. As I understand the gentleman from New York [Mr. ODELL], this amendment is designed to carry out a resolution adopted by the House a few days ago increasing this salary from \$400 to \$720. I make no objection to the amendment.

The amendment was agreed to, there being—ayes 50; noes none. The Clerk read as follows:

For clerk hire, Members and Delegates, House of Representatives: To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, \$93,732.16, or so much thereof as may be necessary.

Mr. TAWNEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of the pending paragraph after the word "duties," in line 10, to the end of the paragraph, and insert in lieu thereof the following:

"An amount not exceeding to each Member or Delegate, not a chairman of a committee having an annual clerk, the sum of \$100 per month, the amount to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893."

Mr. MCCALL of Tennessee. I reserve a point of order on that amendment.

Several MEMBERS. Oh, no.

Mr. TAWNEY. I should like to hear the grounds on which the gentleman bases his point of order.

Mr. MCCALL of Tennessee. The ground for the point of order is that the amendment changes the existing law; that it is an appropriation not authorized by law. I find that on the 3d of March, 1893, there was enacted the following joint resolution:

Resolved, etc. That on and after April 1, 1893, each Member and Delegate of the House of Representatives of the United States may, on the 1st day of every month during sessions of Congress, certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the 4th day of each month to the person or persons named in each of said certificates so filed: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed \$100 for any month during the session: *And provided further*, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to a clerk.

The CHAIRMAN. As the Chair understood the law as read by the gentleman from Tennessee [Mr. MCCALL], it applied only to the last Congress.

Mr. MCCALL of Tennessee. I do not think so. It is a joint resolution passed by the two Houses and approved March 3, 1893—a general provision of law, as I understand.

Mr. CANNON. There can be no doubt that the provision as read by the gentleman from Tennessee [Mr. MCCALL] is the permanent law.

Mr. TAWNEY. Mr. Chairman, I understand that the gentleman from Tennessee is merely reserving the point of order; he has not yet raised a point of order upon the amendment.

Mr. MCCALL of Tennessee. I distinctly stated, Mr. Chairman, when the amendment had been read that I reserved a point of order upon it. The gentleman from Minnesota [Mr. TAWNEY] then desired that I should state the reasons on which I based my point of order; so I proceeded to do so.

The CHAIRMAN. The point of order is reserved, as the Chair understands.

Mr. MCCALL of Tennessee. That is all, sir. Now let the discussion go on, and let us see what there is in the amendment.

Mr. TAWNEY. Mr. Chairman, it is not necessary for me to discuss the merits of this amendment. The bill as reported authorizes the repayment to members of the amount paid by them for clerk hire during the session. The amendment simply extends that authority so that members will have refunded to them the amount they certify they have paid for clerk hire in the discharge

of their official duties during vacation. It does not authorize the payment of a hundred dollars a month unless the member certifies that he was obliged to pay that amount in the discharge of his official duties. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. Allow me to suggest that this same question was raised on the 8th of February last upon an amendment almost precisely similar to this; and the then occupant of the chair overruled the point of order. You will find it on page 1962 of volume 27, part 3, of the CONGRESSIONAL RECORD.

The CHAIRMAN. Will the gentleman from Iowa be kind enough to send the decision in question to the Chair?

Mr. McMILLIN. Mr. Chairman, the amendment of the gentleman from Minnesota is clearly out of order in the form in which he has drawn it.

Mr. TAWNEY. In what respect?

Mr. McMILLIN. For the reason that the present law—and I admit for the purpose of the argument that the provision of the last appropriation bill is the existing law—the present law provides only for clerks to members who are not chairmen of committees having a clerk. The gentleman's amendment extends that.

Mr. TAWNEY. Oh, no; it does not.

Mr. McMILLIN. I think the gentleman will agree with me when he hears me out.

The resolution provides only clerks for those who are not chairmen of committees that have clerks.

But chairmen of committees who have only session clerks are entitled under your amendment to the privilege it confers. This, therefore, is merely extending the law in that particular.

Mr. TAWNEY. Mr. Chairman, I desire to say that the joint resolution passed in the Fifty-second Congress merely authorized the payment of the amounts certified by the members to have been paid out for clerk hire during the session; and such payment was authorized to be made out of the contingent fund of the House. It therefore expired with the Fifty-third Congress. It had no reference to any other Congress than the Fifty-third, for the expense was to be paid from the contingent fund of the House, and the appropriation was made and payment was made from that fund.

Mr. McMILLIN. If the gentleman will permit me, he seems to mistake my point of order. I will restate it.

The original resolution did not allow those who had session clerks, as chairmen of committees, to designate a clerk. But this resolution that you now offer as an amendment would give a clerk not only to the member who has no clerk now, as chairman of a committee, but would allow also a member, as chairman of a committee who has a session clerk, to appoint another one. You exclude the annual clerk, I admit, but the chairman of the committee which has a session clerk would, under the terms of this resolution, be given permission to appoint another clerk, which has never been the case so far as I remember in the House up to this time, and which the law does not now authorize.

Mr. TAWNEY. Mr. Chairman, the act of March 3, 1893, with reference to this matter, contains the following provision:

Provided further, That the provisions of this resolution shall not apply to members who are chairmen of committees and entitled under the rules to a clerk.

Now, these are merely annual clerks, and that is the reason I put the same limitation in the amendment. It conforms precisely to the proviso of the joint resolution of March 3, 1893.

Mr. BAILEY. Will the gentleman permit a question?

Mr. TAWNEY. Certainly.

Mr. BAILEY. Under the amendment the gentleman proposes, would the clerks of the individual members be permitted to draw their salary when Congress is not in session?

Mr. TAWNEY. No, sir; the amendment does not authorize the payment of any sum to the clerk. The amount must be paid to the member on his certificate as to the amount paid by him for clerk hire.

Mr. BAILEY. Then it is absolutely certain that they can not draw it as the law now stands, and if they could draw it under this resolution I submit that the resolution does change existing law.

Mr. TAWNEY. The amount is now paid not under this resolution, but under the appropriations made by the Fifty-third Congress.

Mr. BAILEY. I make no question on the manner of its payment—

Mr. TAWNEY (continuing). And the authority for the payment is not based upon the joint resolution of 1893, but the authority for the appointment of the clerks and their payment is found in the appropriation bill passed by the Fifty-third Congress.

Mr. MCCALL of Tennessee was recognized.

Mr. WILLIAM A. STONE. Before the gentleman from Tennessee begins, I would like to ask the gentleman from Minnesota a question. In your amendment, would you not be satisfied to strike out the word "annual," so that this would give to each member a clerk who has not a clerk as chairman of a committee, and

also members who have session clerks, but whose services terminate at the expiration of the session? They ought to be entitled to the disbursements made by them on account of clerical service. This could be done by striking out the word "annual."

I suggest that you do that, and with your permission would like to have that modification in the amendment made.

Mr. TAWNEY. I do not think there is any objection to that.

Mr. HOPKINS. Let me make a suggestion right there. The gentleman making that suggestion is the chairman of a committee, is he not?

Mr. WILLIAM A. STONE. I am not the chairman of any committee. Why does the gentleman ask that?

Mr. HOPKINS. I ask that for this reason: I was going to illustrate the point. Chairmen of committees have annual clerks, many of them, at \$2,000. Now, when Congress is not in session that salary goes on. That clerk has nothing else to do and can do the member's service; but in the instance of the members of the committee who are not chairmen their clerks cease at the end of the session.

Mr. WILLIAM A. STONE. Yes.

Mr. HOPKINS. Now, why are they not entitled to clerks in the interim, from one session to another, the same as the chairmen?

Mr. WILLIAM A. STONE. They will be entitled to clerks if you strike out the word "annual." As you have drawn it now you give to every member of Congress the right to a clerk, or to \$100 for disbursement for clerk hire, except those who are chairmen of committees having annual clerks. That would include chairmen of committees having session clerks, and they would draw during the session \$100 a month, and their session clerks would also be paid.

Mr. MAHON. Whose session clerks? No chairman of a committee has a private clerk. They are the clerks of committees. This does not apply to the chairman of a committee. The clerks of my committee have offered to do my private work, but I have refused. As the chairman of the committee I absolutely will not allow a committee clerk to do my private work.

Mr. WILLIAM A. STONE. You are the chairman of the Committee on War Claims?

Mr. MAHON. Yes. The clerks of that committee have all that they can attend to to perform their committee duties.

Mr. WILLIAM A. STONE. Your committee has an annual clerk?

Mr. MAHON. There are two.

Mr. WILLIAM A. STONE. This does not affect that question one way or the other.

Mr. MAHON. Why should I pay my private clerk and two-thirds of the members of this House be reimbursed for their clerk hire?

Mr. WILLIAM A. STONE. This does not affect that question. The amendment as drawn by the gentleman from Minnesota [Mr. TAWNEY] excludes chairman of committees having annual clerks. Now, that would go to the chairman of a committee having a session clerk. He would have his session clerk and his hundred dollars a month besides. It would not affect the question of annual clerks. My suggestion is to strike out the word "annual."

Mr. LACEY. In other words, why should the chairman of a committee having an annual clerk be in any worse situation, so far as his other work was concerned, than the chairman of a committee having a session clerk?

Mr. WILLIAM A. STONE. Yes.

Mr. TAWNEY. I will modify my amendment by striking out the word "annual."

Mr. CHICKERING. Let it be read.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from Minnesota.

The Clerk read as follows:

An amount not exceeding, to each Member or Delegate not a chairman of a committee having a clerk, the sum of \$100 per month, the amount to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

Mr. DE ARMOND. Mr. Chairman—

Mr. MAHON. I move to amend that by putting in the word "annual."

Mr. McCALL of Tennessee. Mr. Chairman, if I should yield to the promptings of my personal desire to accommodate members and the importunities of members of the House, I should not insist on this point of order, but it occurs to me that in the condition of affairs now existing to propose an amendment to this bill that will cost the people of this country an increase of \$432,000 biennially is something which, as a member of this Committee on Appropriations, I can not consistently do.

Mr. TAWNEY. Will the gentleman yield for one question?

Mr. McCALL of Tennessee. In a moment. Not only so, but there are certain rules adopted here for the government of the House, and, as I understand, this proposition is subject to a point of order. Now, the question is presented, shall we let an item of this magnitude come into this bill, in the face of the fact that it

is subject to a point of order, and thereby throw down the bars for every kind of an amendment, or shall we invoke the rules of the House and let this go out upon the point of order? That is the question. I want members to reflect that in the midst of these hard times, in the midst of these days when we are borrowing money to pay our own salaries and to pay the expenses of this Government, it is proposed by this amendment to increase the expenses of this Government \$432,000 biennially, and I say we should stop and consider the consequences of the proposed action.

Mr. STEELE. How do you make that out?

Mr. McCALL of Tennessee. By a simple calculation.

Mr. STEELE. There are three hundred and sixty days; and if you employ one clerk each for twelve months for 360 members at \$100 a month, it would amount to \$360,000, which would be a difference of \$72,000 from what the gentleman states.

Mr. McCALL of Tennessee. A member of Congress is elected for two years, which is twenty-four months. The Congress is in session about twelve months out of the twenty-four months, being about nine months in one session and three months in the other. Now, under the present law we can have a clerk for twelve months, and as there are 360 Members and Delegates, at \$1,200 a year it would be \$432,000 for the twelve months that we are not here, and we are paying out of the Treasury of the Government \$432,000 for clerks when Congress is not in session.

Several MEMBERS. It is not for two years.

Mr. McCALL of Tennessee. For two years it would be \$2,400 each.

Mr. TAWNEY. The gentleman's assumption is based on the supposition that members will certify that they have paid out \$100 a month for twenty-four months for clerical hire, while we all know as a fact that that is not the rule and has not been during the three or four years that we have had this law upon the statute books. So that your estimate is not correct, and there is no way in which you can correct the estimate. There are some members who have not certified to having had clerical hire exceeding \$3 a month.

Mr. WILLIS. Will you allow me one remark?

Mr. McCALL of Tennessee. Certainly.

Mr. WILLIS. I believe this. I will agree to your movement in this matter provided you originate it at the other end of the Capitol and let it go over the whole field.

Mr. McCALL of Tennessee. If I was over there I would be one who would be willing to do so.

Mr. WILLIS. In the way it is at present arranged I do not think your point is a good one. [Applause.]

Mr. HEPBURN. If the gentleman from Tennessee will permit me, I want to suggest, sir, that there is no statute upon this subject.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. McCALL of Tennessee. Certainly.

Mr. HEPBURN. There is no such statute on this subject as the gentleman has referred to.

Mr. STEELE. He has not referred to a statute.

Mr. HEPBURN. The point I make, Mr. Chairman, is that, except as to additional legislation from year to year, there is no provision of law under which these clerks can be made available. The point I want to make is this: That the sum provided for under the joint resolution approved March 3, 1893, was to be paid out of the contingent fund of the House; a contingent fund that is created each year in the annual appropriation bill. If there was no provision of that kind in the appropriation bill each year there would be no fund out of which to pay. So that I insist there must be legislation every year in order to make the joint resolution available which gentlemen say prohibits us from this amendment. In other words, there is no law—the gentleman can point to no law, complete in itself—upon this subject; and every year there must be new legislation, additional legislation, in order to make the provision of the joint resolution of March 3, 1893, available. So that the point of order, in my judgment, is not good. The provision is this:

And the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the 4th day of each month to the person or persons named in each of said certificates so filed.

The only way to secure that payment is through the contingent fund, and that requires annual legislation.

The CHAIRMAN. The Chair would like to have the attention of the gentleman from Tennessee. The joint resolution to which the Chair has been referred provides that that clerk hire shall be paid out of the contingent fund of the House. The clause in the appropriation bill makes the appropriation direct, to be paid to the members, not out of the contingent fund, but out of the general fund in the Treasury. In that particular it is a change of existing law, as contained in the joint resolution, as it appears to the Chair. The Chair would like to hear the gentleman upon that question, and also upon the further question, if it is admitted to be a change of existing law, whether an amendment which is germane to that provision in the bill, although it changes existing

law, is not in order. The Chair would like to hear upon those two questions.

Mr. BAKER of New Hampshire. Give it up.

Mr. McCALL of Tennessee. Mr. Chairman, I have no intention of going into a discussion of the fine point suggested by the Chair; and, so far as I am concerned, I have only made the point of order, and am satisfied, with what has been stated, to leave it to the Chair for his determination.

Mr. BOATNER. Mr. Chairman, it appears to me that the distinction drawn by the gentleman from Iowa is a perfectly clear one. The House by a joint resolution provided for the payment of the salaries of clerks of members. I do not consider, sir, that it was necessary that such provision should have been made by independent statute, but the right exists to provide in annual appropriations for annual legislative expenses. If it should be conceded that the existence of statutory legislation is necessary to authorize such appropriations, then it follows that one Congress has the right to limit another in its legislative expenses, a concession which I suppose no one will admit is correct.

My contention is that the current expenses of each House must be regulated by each House and provision for their payment made as the occasion arises. In other words, the power to provide for its legislative expenses is closely analogous to its power to establish rules for its own government, and if the House should find it necessary to increase the number of clerks to committees, or to increase any other means required for the transaction of the public business, it would be authorized to provide for the payment thereof by an item in the proper appropriation bill regardless of existing law. For these reasons, Mr. Chairman, I am of opinion the amendment offered is not subject to the point of order made against it. It being within the power of the House to provide itself with whatever means it considers necessary for the transaction of the public business, it follows that if it should be considered necessary that members should have clerical assistance during the recess, the House has as much right to provide that as other means to transact the public business. But, Mr. Chairman, while I feel perfectly satisfied that the point of order is not well taken, I concur with the gentleman from Tennessee that the amendment involves an extravagant and unnecessary expenditure of public money which this House ought not to make.

Mr. DE ARMOND rose.

Mr. WILLIAM A. STONE. Mr. Chairman, I would like to ask the gentleman who has just taken his seat, and who seems to be opposed to this amendment—

A MEMBER. No; he is in favor of it.

Mr. WILLIAM A. STONE. Then I will take my seat. [Laughter.]

Mr. DE ARMOND. There is manifest here, Mr. Chairman, a disposition to rush with hot haste through the rules of the House and over the law in order to put into the pockets of members of this House \$100 a month when Congress is not in session in addition to the salary for which they contracted with their constituents. A point of order, however, is pending, and for the present the Chair may act as a breakwater, and by the use of the law and the rules of the House prevent this raid upon the Treasury, which has neither law nor justice behind it; has nothing to support it except individual interests. The joint resolution which was passed in 1893 provided that there might be paid out of the contingent fund of the House a sum not exceeding \$100 a month for the hire of a clerk for each member during the session of Congress.

The first suggestion made now, in order to obviate the force of the point of order made by the gentleman from Tennessee [Mr. McCALL]—a point of order, in my judgment, unquestionably good—is that the provision in the bill itself is a change of existing law, and that a further change of existing law in the form of this amendment may be allowed, as no point of order has been made against the provision in the bill. Now, I submit that the provision incorporated in this appropriation bill is not a change of existing law in any particular, and that there is no shelter nor support for this attempt to override the law and make this unauthorized appropriation in anything that appears in this bill; so that if the law is to be overridden and this appropriation is to be made, the fault can not be laid at the door of the committee which reported this bill to the House.

What is the provision in the bill? The provision is:

To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893.

Who has the right to restrict that language, "as provided in the joint resolution approved March 3, 1893"? Who has a right to say that the incorporation of that precise language in this bill does not carry with it all that is embodied in that resolution, the payment out of the contingent fund of the House? It is merely a quibble upon words to contend that this appropriation is of a different character. The very joint resolution of 1893 is itself referred to in the provision in the pending bill. That resolution of

1893 is almost bodily carried into this appropriation, an appropriation within the limitation prescribed by that joint resolution, an appropriation for the purposes specified by that joint resolution, an appropriation "as provided in that joint resolution."

Now, how do we find that this appropriation is to be paid out of a different fund or to come through a different channel? I am aware that there was a ruling in Committee of the Whole of the last House which, if the Chairman sees proper to follow it, may serve as a precedent for a ruling which will hold this point of order not to be good. One of the calamities that sometimes arise in legislative bodies, I believe, is that when a ruling is made, right or wrong, that ruling may be—and too often is, as a matter of course—used as a precedent for other rulings. But the question, I take it, before the present Chairman and before this committee and before the country is not so much whether the gentleman who presided in the Committee of the Whole in the last House ruled correctly or incorrectly upon a similar amendment as it is the question of how the Chairman now presiding should rule and how this House should govern its action with respect to this matter.

I say again if a precedent only is required for a ruling which shall override this point of order, the precedent has been set, but I appeal to the Chairman—and I believe I shall not appeal in vain—to exercise his own independent judgment on the law, and not to be bound by a precedent not founded. Precedents only deserve to be followed when they rest upon correct principles. Precedents deserve to be followed only when in themselves they are worthy of the approval of those called upon to act with respect to them. If we are to scurry over the country here and there for decisions upon this point and upon that point, there will be no court of justice which may not "dispense with justice" and decree that which will be the most arrant injustice, because precedents can be found for everything, and unfortunately they are not lacking in this House.

I recollect that in the last House, after a ruling in Committee of the Whole upon such a point of order as that now pending, I raised the question in the House itself whether or not the matter might not be there reviewed. It was my belief then, it is my belief now, that the House in its organized capacity, with its chosen presiding officer in the chair, ought to be privileged, and is privileged (unless we follow some of these precedents that are "more honored in the breach than in the observance"), to correct erroneous rulings made in the Committee of the Whole. The decision, however, was against me upon that point; and there stands another precedent.

However that may be, the duty of the Chairman now of course is to rule correctly upon this proposition; and I have not a particle of doubt that he will endeavor to do so. I ask him to use his own judgment, to be guided by the law, and not to rest upon a precedent which has no support in reason or in law—a precedent in reference to which, I venture to say, the gentleman himself who set it will not risk his parliamentary reputation by rising and stating in this House that it was founded in reason or is justified in parliamentary law.

Now, then, I venture to say that this provision as incorporated in this bill, without speaking closely or particularly about this or that exact phraseology of appropriation bills, does not work a change of law; that it is possible, it is reasonable, it is natural to carry out the law as embodied in that joint resolution of March 3, 1893, under and by virtue of this provision which the Committee on Appropriations has incorporated in this bill. A change of law has not been proposed by the committee. If a change of law be now made, let the responsibility or the credit, as the case may be, rest upon those who must bear the one or deserve the other. The provision of the committee does not propose to change the law, but the proposition to change the law is that which is now pending in the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question here is not so much as to this point, though I would be perfectly willing for my part to let the House vote upon it, would be glad to have the House vote upon it, would be glad to have spread before the country the record of a yea-and-nay vote upon it—this is not, however, so much a question of the right or the wrong of this proposed amendment as an original proposition as it is the question of parliamentary law and of statutory law involved in this inquiry now before the Chair.

But passing on to the other question, I contend not only that this point of order ought to be sustained because it is manifestly good, but I contend that, being good, it ought to be sustained because apparently the upholding of the law here and the sustaining of the point of order made under the law and under the rules is the only means by which this House can be kept from thrusting ready hands into the Treasury and taking from it monthly when the House is not in session funds to which members of this House are not entitled, just as much an increase of official salary, just as completely and effectually, so far as it goes, a "salary grab" as that infamous measure, black and rotten, a stench in the nostrils of decent men, which relegated to private life so many

men when the salaries of members of Congress were raised from \$5,000 to \$7,500 years ago.

The joint resolution which was passed March 3, 1893, did not relate to that Congress. I voted against it then, as a great many other gentlemen did, but it did not apply to that Congress. The gentlemen who put it upon the statute book did not by doing so legislate money into their own pockets. But here is a proposition to be passed upon by the beneficiaries to take out of the Treasury of the people money which belongs to them and money which we have no moral or legal right to take. I beseech the Chairman to sustain a point of order manifestly good, to disregard a precedent notoriously bad—to save the Treasury and to save the people of the United States from the looting that is here clearly threatened.

Mr. HEPBURN. I desire to ask the gentleman from Missouri a question.

Mr. DE ARMOND. Certainly, sir.

Mr. HEPBURN. In the gentleman's judgment, is not the provision reported by the committee a change in existing law?

Mr. DE ARMOND. It is not, in my judgment.

Mr. HEPBURN. Does it not provide for payment out of a different fund from the fund out of which these payments were to be made under the joint resolution of March 3, 1893?

Mr. DE ARMOND. Not necessarily.

Mr. HEPBURN. Is it not true that under the joint resolution of 1893 the sums paid to members are to be paid out of the contingent fund of the House, while the payments provided for in this bill are to be made by the Treasurer of the United States?

Mr. DE ARMOND. This is virtually a part, within the meaning of that resolution, of the contingent fund of the House.

Several MEMBERS. Oh, no.

Mr. DE ARMOND. Mr. Chairman, a change of the handling officer through whom an appropriation goes is not necessarily a change of law within the meaning of this rule. Whether one officer pays or whether by a mere regulation another officer pays, the money finally all comes out of the Treasury of the United States through whatever channels it may pass.

Mr. HEPBURN. In one instance the Clerk of this House is required to make payment—

Mr. DE ARMOND. Yes, sir.

Mr. HEPBURN. And in the other instance the Treasurer of the United States is required to pay. Is not that a change of existing law?

Mr. DE ARMOND. It is a mere informal regulation. Either way there is simply an appropriation out of the Treasury of the United States.

Now, Mr. Chairman, I will address myself a moment to that proposition. If you concede that the contention of the gentleman from Iowa is correct—I do not concede it, I combat it—but if you concede that it is correct, I claim that still the pending amendment is not in order. The proposition to change the law in one particular does not authorize the enlargement of that proposition so as to change the law in other and different particulars.

Here is where we get, if the contention of the gentleman from Iowa is true, on his theory and tested by his own philosophy: He says this provision in the bill, as it is, is in itself a change of existing law. Now, for the sake of the argument, let us admit that it is and see what follows, according to his theory. On that basis he says that the amendment, which he concedes to be a change of existing law, is proper as an amendment to another proposition changing existing law. If that be true, then the rules of the House as to this particular item are absolutely swept away, and the point of order on any provision that may change, enlarge, or modify any provision of the paragraph in the bill would be in order. You could provide, for instance, for increasing the salary of these clerks from \$100 to \$500 per month, and that would not be subject to a point of order. You could provide that instead of one clerk we should have two. You could provide for a messenger as well as a clerk. You might provide for anything that could be dragged in as a part and parcel of something to go to a member. You could have clerks of particular classes. You could have a stenographer and a typewriter. You could have a Department clerk to attend to the business of the member in the Departments. In fact, there would be no stopping place so long as you are providing for the assistance of members, on the theory advanced by the gentleman from Iowa. That is, I submit to him, the logical result of his argument, and the gentleman is always an able and a clear debater on every question.

But, I repeat, the inevitable result of his contention is that any amendment relating to the subject-matter of the resolution of the 8d of March, 1893, so as to be germane to it, could be put upon this clause of the bill, and the provision of the rule against a change in existing law on an appropriation bill would be entirely futile and of no avail—if his contention is right.

Mr. TAWNEY. Will the gentleman permit me a question before he takes his seat?

Mr. DE ARMOND. Certainly.

Mr. TAWNEY. Are you in favor of the proposition to pay members the amount necessarily expended by them for clerk hire, as reported by the Committee on Appropriations?

Mr. DE ARMOND. No, sir; I am not; although I have no special objection to it in its present form.

Mr. TAWNEY. You are not only opposed to the amendment, but you are also opposed to the payment of any clerical hire whatever?

Mr. DE ARMOND. I will say this: In days when Congressmen on this floor were as useful to their constituents and to the country as any of us can ever be or ever hope to be, when they were paid smaller salaries, and when money was worth less than it is worth to-day, Congressmen were not supplied with clerical assistance at the expense of the people. I voted against the resolution of 1893; I would vote for its repeal; I would vote against this appropriation because, while the clerk is convenient and an aid to the member, I would be perfectly willing myself to forego that assistance and aid in order to bring to the people of the United States the saving that would come from leaving the money in the Treasury instead of thus paying it out.

Mr. TAWNEY. I think I have a distinct recollection of the gentleman from Missouri casting a vote in the Fifty-third Congress that cost the people of the United States very much more than they can possibly lose by the adoption of this amendment.

Mr. DE ARMOND. Please state what vote.

Mr. TAWNEY. Your vote in favor of the Wilson-Gorman tariff bill. [Laughter and applause on the Republican side.]

Mr. DE ARMOND. Ah, indeed! Then let me say to the gentleman from Minnesota that I voted for the Wilson-Gorman tariff bill, not as reaching the tariff system I desired, but as a long stride in the right direction. But I have never yet voted for some little bit of an "expediency" tariff measure repudiated in the house of its friends and absolutely worthless everywhere. [Applause on the Democratic side.]

Mr. JOHNSON of California. Will the gentleman from Missouri permit me to ask him a question?

Mr. DE ARMOND. If I have the right to the floor I will do so with pleasure.

Mr. JOHNSON of California. I desire to ask you whether or not you have availed yourself of the privilege accorded by the resolution in question—March, 1893—and drawn any money from the Treasury of the United States on that account?

Mr. DE ARMOND. Yes, sir.

Mr. JOHNSON of California. Then, as I understand it, to take a little money from the Treasury is all right; and the only difficulty with the gentleman is that when he comes to take a larger sum it is all wrong.

Mr. DE ARMOND. I do not know how the gentleman from California understands it. If he understands that he will be permitted to represent a district in California, and avail himself of the provisions of the law that apply equally to the people of California as to the people of my district in Missouri, who contribute their share of the revenues to support the Government, and that the people of my district shall be deprived of whatever service the employment of a clerk to their member of Congress may be to them, he is greatly mistaken, I assure him, so long as I occupy a seat on this floor. But if the gentleman wants to raise the question whether I will forego the privilege of having a clerk paid out of the public Treasury in order to save the people of the United States the expenditure for these clerks, I will say to him now yes, readily, at once, upon this bill or any bill. I stand upon that as I have always stood; but I am not around here admitting, by my acts or by my words, that the gentleman from California or any other gentleman here representing any constituency has any rights beyond those which I have, or that his constituency possesses any merits beyond those possessed by my constituency.

Mr. JOHNSON of California. Mr. Chairman, I desire to say a few words with reference to the point of order, and incidentally upon some other matters that have been referred to by our friend from Missouri.

The CHAIRMAN. The Chair hopes the gentleman will confine himself to the point of order.

Mr. JOHNSON of California. Oh, I will try to. My friend from Idaho [Mr. WILSON] says I may scatter a little, but I hope not. [Laughter.]

Mr. Chairman, it was but a few days ago that the gentleman from Missouri [Mr. DE ARMOND] made a very fine, close, legal, and technical argument, so technical and metaphysical that it needed the trump of the Archangel Gabriel to bring a man to the surface that could see the point he made in reference to the point of order.

Mr. DE ARMOND. I presume that man has the floor now, Mr. Chairman. [Laughter.]

Mr. JOHNSON of California. No; I do not think any common man could understand the point.

Mr. DE ARMOND. I suppose Gabriel has summoned the man, and that he is here.

Mr. JOHNSON of California. No; I did not understand the gentleman's argument, and I do not understand it now. It was made in reference to the payment of salaries of Indian inspectors, and the gentleman said that the point of order was not well taken, because the bill itself, as introduced by the Committee on Appropriations, had changed the law, and he argued very elaborately and very eloquently and very learnedly, as he always does, and I am informed that he convinced the then Chairman that he was correct in his attenuated point of order. Now he seeks, emboldened by the success that he met with at that time, to ask the Chairman—I believe the same gentleman now presiding—to rule in his favor upon this point of order that he has now made, not because the point of order is good, but because he says that if the point of order is overruled it will take money out of the Treasury of the United States. He asks this Chairman to overrule a precedent made by a gentleman equal in knowledge of parliamentary law to anyone on this floor; equal, perhaps, to the gentleman from Missouri in devotion to the interests of his people and the rights of the whole nation. The gentleman from Missouri [Mr. DE ARMOND] asks the Chairman to overrule that precedent. In the short time in which I have been able to practice law I have always distrusted not the ability, but the discretion of those lawyers who seek to win a lawsuit by asking the court to overrule the precedents that have been made by courts in former days. And so to-day, when the gentleman asks that this be overruled because the precedent has been made, and you must overrule that precedent, it seems to me he robs his argument of much of its force.

Now, in regard to this point of order, is not this a change of law? As is well said by the gentleman from Iowa, the joint resolution of 1893 provides that the money shall be taken from the contingent fund, shall be paid out by the Clerk of the House. As I understand, the bill introduced by the Committee on Appropriations provides that the money shall be taken from the general fund, and that it shall be paid out by the Treasurer of the United States; and it seems to me that that shows that it is a change of existing law, and that therefore, if no point of order was made against the paragraph introduced by the committee, certainly a point of order can not be made against the amendment. Now, so far as it may affect the gentleman from Missouri, I am not the keeper of his conscience. I am the keeper of my own; and I am ready to meet the verdict of the people of the Second district of California upon the question that they sent me here as a Representative and not as a clerk, and that they are willing to pay for the services of a clerk to help me answer their letters and attend to other routine business. [Applause.]

I want to say, speaking as one, that I have no doubt the people of the United States will sustain those Representatives who vote to spend their money in doing good work, and will not support those who seek to make a cheap record by wearing the old clothes of the gentleman from Indiana [Mr. Holman] and to pose as great reformers and watchdogs of the Treasury at the present time. The day of watchdogs of the Treasury has passed, and we ought now to meet this matter upon its own merits. The gentleman says that he has drawn that money from the Treasury of the United States to pay for clerk hire. I am glad of it. It shows us that he is a much better man than he would have us believe by his attack upon this amendment. It shows us that he realizes that we all need clerks; that he realizes that the services of a clerk are necessary, and that this objection of his to this amendment is made solely and simply, as it seems to me, because he is satisfied with the small amount that he gets and is not broad minded, as he usually is, to allow the rest of us to have that which we desire.

Now, there is not any law to compel him to take this money. If the dear people of the United States are suffering, and are just standing up in arms and crying aloud because they are losing this money from the Treasury, the gentleman from Missouri need not draw his if he thinks it is too much. He can turn it over to the rest of us, and we will be glad to take it and use it. [Laughter.] But it does seem to me that this point of order is not well taken, or else that the point of order made the other day upon the salaries of the Indian inspectors was not well taken. Both of them ought to stand or fall together. If it was right then to follow the gentleman from Missouri in saying that the appropriation bill changed the law, it seems to me that it is right now, and if it was wrong then it is wrong now. A precedent was set then, and I believe in following precedents.

Mr. BOATNER. I understand, Mr. Chairman, that the point of order made against the pending amendment is that it changes existing law and increases the expenses, which is prohibited by the rule. I want to call the attention of the House to the following facts which militate against this view of the question: In the Fifty-first Congress a provision to pay clerks \$100 per month was inserted in a general appropriation bill. It was carried in Committee of the Whole House, and defeated on a yea-and-nay vote in the House. In the Fifty-third Congress, when we had exactly the same rule that we have now, an amendment was proposed on a

general appropriation bill in the Committee of the Whole House and it was carried. It was voted down in the House.

Now, sir, if the contention of the gentlemen who support this objection is a sound one, that provision in a general appropriation bill in the Fifty-first Congress was contrary to the rule, and the same amendment which was adopted by the Committee of the Whole House on an appropriation bill in the Fifty-third Congress was also amenable to the same objection; but that objection, if it was made, was overruled. I do not recollect that it was made; but certainly, Mr. Chairman, the House did vote upon the proposition, and in view of the fierce opposition then existing to it, the point would have been made, had it been considered as a change of existing law and not in retrenchment of public expenditures. Now, sir, my insistence is this, that this House has the right to provide at each session of Congress for its legislative expenses, whatever they may be. That the proposition to add to its clerical force in any direction, whether for the service of the committees or for the service of members, is a question to be determined by the present exigencies, and can not be limited by any law which has for its object to forestall the action of future Congresses' expenditures; and upon that line of reasoning the point of order is not well taken, and should be overruled. [Cries of "Rule!"]

Mr. LINNEY. I want to offer an amendment.

The CHAIRMAN. A point of order is pending, and must first be determined.

Mr. LINNEY. Oh, yes.

The CHAIRMAN. The Clerk will report the joint resolution passed in 1893.

The Clerk read as follows:

Resolved, etc. That on and after April 1, 1893, each Member and Delegate of the House of Representatives of the United States may, on the 1st day of every month during sessions of Congress, certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the 4th day of each month to the person or persons named in each of said certificates so filed: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed \$100 for any month during the session: *And provided further*, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to a clerk.

The CHAIRMAN. The paragraph in the bill, on page 16, reads in this way:

To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893.

That is the resolution just read; and then it makes an appropriation of a sum of money. Now, the language in the bill is "to pay," etc., as provided in the joint resolution. The Chair can see no warrant in separating the balance of that resolution from the provision requiring payment out of the contingent fund, and giving effect to a part of the language and leaving the other without effect, as has been suggested in debate here. Or, in other words, the very provision in the joint resolution is provided for in this bill—to pay as provided under the joint resolution, to pay from the contingent fund of the House, all clerks provided for under the joint resolution. So in the opinion of the Chair the text of the bill does not change existing law.

The next question is as to whether the language of the amendment changes existing law. The Chair has been referred to a decision made in the last Congress upon similar language in an amendment nearly identical, offered to the provision in the bill which seems to the Chair precisely identical with this, and it was held to be in order and not changing existing law. Upon turning to that decision the Chair finds that a gentleman, a member of the House, raised the point of order. The Chair asked if the gentleman desired to be heard on the point of order. The gentleman answered he did not; and, without any debate, and without any reason being stated, without even the grounds of the point of order being stated to the committee, the Chair very promptly overruled the point of order and held the amendment to be in order. The present occupant of the chair has not found from the RECORD what gentleman was in the chair at that time. He does not feel bound by a decision made in a former Congress, where no reason is given for the ruling, as stated, and where the Chair can not see any reason for sustaining or following the ruling that was made at that time.

Now, this amendment is clearly obnoxious to the point of order, standing in itself, and being an amendment to a paragraph in a bill, which paragraph does not change existing law, it is not in order under the rules of the House, and the Chair is constrained to sustain the point of order, and so rules.

Mr. TAWNEY. I take an appeal, Mr. Chairman, from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota takes an appeal from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

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

Mr. DOCKERY and others. Division.
The committee divided; and there were—ayes 102, noes 43.
So the decision of the Chair was sustained.

Mr. MOODY. Mr. Chairman, I would like to inquire whether the provision on page 7, which was passed over for the time being, is now in order for consideration?

The CHAIRMAN. It is not, unless by unanimous consent.
Mr. MOODY. It was passed over until some future time by unanimous consent, and whether that time has arrived or not is my inquiry.

The CHAIRMAN. The understanding was that the committee might return to the paragraph at any time before concluding the bill. The Clerk will report it.

The paragraph was again read, as follows:

For 38 annual clerks to Senators who are not chairmen of committees, at \$1,200 each, \$45,600.

Mr. MOODY. I move to amend, Mr. Chairman, by striking out the whole of the paragraph just read. I wish to say very briefly that this amendment—

Mr. HENRY of Indiana. Mr. Chairman, I make the point of order that that part of the bill has been passed.

Mr. MOODY. The gentleman could not have been present when this paragraph was passed over temporarily by unanimous consent.

The CHAIRMAN. The point of order comes too late.

Mr. HENRY of Indiana. I think the gentleman misapprehends the point of order I make. At the time we left this part of the bill the point of order raised by the gentleman from California [Mr. JOHNSON] was undecided.

The CHAIRMAN. No; that point of order was overruled.

Mr. HENRY of Indiana. I did not understand that the Chair had so announced.

Mr. MOODY. Now, Mr. Chairman, I move to strike out this paragraph, because if it is stricken out by a vote of the committee, the effect will be precisely the same as if it had gone out on the motion of the gentleman from California who raised the point of order, but raised it too late.

Mr. Chairman, I have not an opinion upon the merits of annual clerks to members. I have not any right to have an opinion, because I have not had any experience of the calls upon members of this House in vacation, having been elected only a month before I took my seat. But I have an opinion upon another subject; that is, that we ought to require the same measure of economy at the other end of this building that we impose upon ourselves. [Applause.] Now, I am informed that the practical consequence of the adoption of the motion to strike out this paragraph may be this: That the Senate will insist on the appropriation and that in the conference between the representatives of the two Houses some equitable adjustment will be made, and then the question may return to this House to be discussed and voted upon on its merits. [Applause. Cries of "Vote!"]

The amendment was agreed to.

Mr. BAKER of New Hampshire. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Insert after the word "necessary," in line 14, page 16, the following:
"That all officers and employees of the House, including the Capitol police, who were employed on the 2d day of December, 1895, and who have ceased or who shall, prior to the 1st day of March, 1896, cease to be so employed shall be paid a sum equal to one month's pay at the rate they were severally receiving on the 2d day of December, 1895; and an amount sufficient for this purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available and to be paid by the Clerk of the House of Representatives."

Mr. McCALL of Tennessee. Mr. Chairman, I make a point of order on that amendment.

Mr. BAKER of New Hampshire. Will the gentleman state it?

Mr. McCALL of Tennessee. It proposes an appropriation not authorized by law.

Mr. BAKER of New Hampshire. It does not change any existing law.

The CHAIRMAN. Does the gentleman from New Hampshire desire to be heard on the point of order?

Mr. BAKER of New Hampshire. I wish to say, Mr. Chairman, that this does not change in any manner any existing law. There are several precedents for it, especially one which was approved December 21, 1881, almost identical in language and making an appropriation for precisely the same purpose. It is evident to all of us that quite a number of the discharged employees of this House are still in the city and that many of them are unable to leave for want of funds, and it is a matter of common grace and courtesy, and according to the usual custom of the House, to make this appropriation. I ask a ruling of the Chair in favor of the amendment and a vote upon it.

The CHAIRMAN. This amendment is not authorized by law, and therefore the Chair must sustain the point of order.

The Clerk read as follows:

BOTANIC GARDEN.

For superintendent, \$1,800.
For assistants and laborers, under the direction of the Joint Library Committee of Congress, \$12,093.75.
For procuring manure, tools, fuel, purchasing trees and shrubs, and for labor and material in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, \$5,000.

Mr. STEELE. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 19, line 10, strike out "twelve," and insert "two"; page 19, lines 10 and 11, strike out "and ninety-three dollars and seventy-five cents," and insert "one hundred dollars"; so that the provision will read "two thousand one hundred dollars."

Mr. STEELE. The adoption of this amendment, Mr. Chairman, will make a saving of about \$13,000 on the maintenance of this sinecure at the foot of the hill. It seems almost as idle to propose to strike out any appropriation for the Botanic Garden as it does to strike out member's clerks. It has been tried time and time again, but has always failed, yet no member of this House can in his own mind sustain or justify the expenditure of \$18,893 for maintaining that little bit of a house under the hill from which no member gets any benefit whatever. Though the amendment may not prevail, I have offered it in good faith. I think that the reduction proposed in my amendment ought to be made. If this amendment and the one which I propose to offer to the next paragraph be adopted, we shall authorize three laborers at \$700 each and \$2,000 for the purchase of manure and seed.

Why, sir, they have not even cut the grass over there during the last few years. With the orchard grass and the crow's-foot, the place looks more like an abandoned Virginia farm than like a garden kept by the Government as an example for the country. If my proposition prevails we can save \$13,000, and when the Government is running behind at the rate of about \$40,000,000 a year in its expenses it seems to me we ought to lose no opportunity to cut off absolutely useless expenses such as these. My amendment will not interfere at all with Mr. Smith. He will receive his salary just the same. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. STEELE,

The CHAIRMAN said: The noes seem to have it.

Mr. STEELE. Let us have a division. I want to see who will stand up to appropriate \$10,000 for useless expenditure.

The question being again taken, there were—ayes 23, noes 28.

So the amendment was rejected.

Mr. HEPBURN. I move to amend by striking out the last word. I offer this amendment simply for the purpose of putting a question to the gentleman in charge of the bill. I should like to know whether all the appropriations made or to be made for this institution are to be found in this bill; and if not, what appropriations there will be in addition to the \$17,000 covered by the bill.

Mr. STEELE. Eighteen thousand dollars.

Mr. McCALL of Tennessee. I will state for the information of the committee that there is an appropriation of \$5,000, I believe, in the sundry civil bill for this institution.

Mr. HEPBURN. So that the appropriation for this year will be about \$22,000.

Mr. STEELE. Twenty-three thousand dollars.

Mr. HEPBURN. Now, I should like to ask the gentleman in charge of the bill whether he can give to this Committee of the Whole some approximate statement of the cost of the Botanic Garden to the United States? I have been familiar with these appropriations for about fifteen years, and I think during that time there has been appropriated to the Botanic Garden at least \$300,000. And I know that at the time my service here began that garden was in about the same condition that it is now. I should like to know, if the gentleman can tell us, how near to a million dollars this institution has cost the United States.

Mr. McCALL of Tennessee. Mr. Chairman, I have not had the honor that my friend from Iowa [Mr. HEPBURN] has had of serving in this House for a great number of years, and therefore I have not been, as he has been, the recipient of flowers, etc., grown by the Government. Of course I do not pretend to be well informed as to the exact sum that this Government has expended upon this department. The gentleman's statement of \$300,000 is possibly as accurate as any guess that I might make.

Mr. STEELE. Allow me to ask the gentleman whether he can give any excuse for the maintenance of this garden at all; whether he can show any benefit it has given to the country in return for the \$300,000 which, as the gentleman from Iowa states, has been expended during the last fifteen years?

Mr. McCALL of Tennessee. There is the same excuse, I presume, for the existence of the Botanic Garden as there is for the beautifying of any of the public grounds about this Capitol. As I understand, it is not necessary that flowers be grown over in the Smithsonian grounds or along the drive there; it is not necessary that flowers be grown about the Library building or the Capitol or upon any of the reservations in the city. Yet this has been the

custom for years. It shows the good taste of Congress; it shows a love for the beautiful; and I suppose that is the reason, or as the gentleman says "excuse," for the existence of this Botanic Garden.

Mr. HEPBURN. I withdraw the pro forma amendment.

Mr. STEELE. I move the amendment which I send to the desk. The Clerk read as follows:

Strike out lines 12 to 15, inclusive, and insert "For procuring manure, tools, fuel, and shrubs, under the direction of the Joint Library Committee of Congress, \$4,993.75."

Mr. STEELE. Mr. Chairman—

Mr. LIVINGSTON. One question before the gentleman proceeds. Why should we leave in the previous paragraphs of the bill appropriations of \$12,000 for a particular purpose, and then by the gentleman's amendment to this paragraph strike out all the means or agencies necessary for carrying out the work contemplated?

Mr. STEELE. There is only \$5,000 provided for in this part of the bill, and that is for the purchase of manure, shrubs, etc. The place does not look as if there had been any manure put upon it for the last ten years.

Mr. LIVINGSTON. The gentleman may not be as well acquainted with the Botanic Garden as are some other members on this floor.

Mr. STEELE. I am not. I have not been there this year. Looking over the fence is all I want. [Laughter.]

Mr. LIVINGSTON. A little more familiarity with the Botanic Garden might make the gentleman acquainted with the agencies carried on there under the direction of Mr. Smith.

Mr. STEELE. Well, this is \$12,000, and I left that to the judgment of the House because I had to, and I leave this the same way. If they see fit to give him \$5,000 for manure instead of \$2,000, I am content to leave it to the judgment of the House. The question is for them now to consider.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. STEELE) there were—ayes 8, noes 38.

So the amendment was rejected.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Private secretary, \$5,000; assistant secretary, \$2,500; one executive clerk and disbursing officer, and one executive clerk, at \$2,000 each.

Mr. BAILEY. Mr. Chairman, in line 22 there is a provision for the private secretary of the President at \$5,000.

I make the point of order against that provision that it changes existing law. The statute only authorizes \$3,500 for such service, and that is an excessive salary for the person who now fills the position. [Laughter.]

The CHAIRMAN. Is that statement disputed as to the law?

Mr. CANNON. I suppose that is what the statute provides, although for several years the amount of \$5,000 has been appropriated.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. How will this clause read now?

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Assistant secretary, \$2,500; one executive clerk and disbursing officer, and one executive clerk, at \$2,000 each, etc.

The CHAIRMAN. The words in the bill have been stricken out on the point of order.

Mr. CANNON. The statute fixes the salary at three thousand five hundred.

A MEMBER. Would it not be better to strike out the fifteen hundred and leave it at three thousand five hundred?

Mr. BAILEY. The point of order was against the provision of the bill. Of course the gentleman can cure it by offering an amendment.

Mr. McCALL of Tennessee. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 22, page 19, after the words "United States," insert "private secretary, \$3,500."

The amendment was adopted.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$7,000.

Mr. PICKLER. Mr. Chairman, I move to strike out the word "seven," in line 2, on page 21, and insert "nine," in the paragraph relating to the Civil Service Commission.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from South Dakota.

The Clerk read as follows:

Page 21, line 2, after the word "Washington," strike out the word "seven" and insert "nine"; so as to read: "and for expenses of examinations and investigations held elsewhere than at Washington, \$9,000."

Mr. PICKLER. Mr. Chairman, this paragraph provides for the expenses of the traveling commission of the civil service when on duty away from Washington, to enable them to go through the States and Territories and examine applicants for the civil service. My experience, and I think every other member of the House will corroborate it, is that they fix but very few places, that is to say, that the appointments are few and far between in each State, for the purpose of making these examinations. In my State, for instance, applicants often have to travel from their residences to the place of appointment for these examinations from two to four hundred miles; and I take it that that is the case more or less throughout the whole country.

Now, it is very unfair to applicants, unfair to young men and young women, who can not afford the expense of going these long distances, to be placed at such a disadvantage in these examinations. When you go into the Civil Service Commission here and ask to have places fixed for the examination so that it will be more convenient to the people, they answer: "We would do so if you would provide for the expense."

I think it is true that the examiners ought to go to as many places in the country as they have money to pay the expense of reaching in order to make these examinations for the convenience of the people. This money is too small an amount as the bill now provides. It does not give them an opportunity of holding these examinations in a sufficient number of places in each State, and does not give the applicants for examination a fair chance. A man who is too poor to pay his way these long distances for the purpose of undergoing the examination is entirely excluded.

My amendment, to add \$2,000 more to enable the examiners to fix additional places in the States and Territories for examinations, would enable our constituents who desire to be examined and appointed—very few of them get the appointments anyway—to have an opportunity at least to be examined; and if this amendment is adopted these examinations will be held at places within their reach, and not involve people of very limited means, as is often the case, in the expense of traveling long distances to undergo the examination.

I believe that this amendment ought to prevail. It is in the interest of those who desire to be examined for these places, and it is utterly impossible in a large number of cases, unless a young man is pretty well off, for him to get to the point where the examination is held. The adoption of this amendment will give us additional places for examination in the State.

Mr. ALLEN of Utah. How many additional places will this provide for?

Mr. PICKLER. It ought to provide one or two additional places in each State. I think it will. The appropriation is only \$7,000 now, and adding \$2,000 I think would probably give one or two more places in each of the States and Territories—probably not more than one place. I take it in my own State it would give one more. Although my own State is 300 miles long from east to west, we only have two points of examination now. I presume the addition of this \$2,000 would only give one more point in my State. It would give more, of course, in the more thickly populated regions. I hope the committee will accept this amendment. It is in the interest of poor men and poor women who are unable to incur the expense of going these great distances, staying two or three days at these examinations, paying hotel bills, and so forth. It will confer a benefit on a class of persons who, it seems to me, ought to have this consideration.

Mr. LIVINGSTON. Why not have the examinations conducted at their homes and be done with it?

Mr. PICKLER. Oh, well, that would be carrying the thing a little too far, I think.

Mr. McCALL of Tennessee. Mr. Chairman, I see that in 1889 there was an appropriation of \$5,000 for this work. Then there was an appropriation of \$5,250 in subsequent years down to 1894, when there was an appropriation of \$6,000. In 1895 there was \$6,000; in 1896, \$7,000. Now, I understand the gentleman's amendment proposes to increase it to \$9,000?

Mr. PICKLER. Yes. An additional reason is that very lately, as the gentleman well knows, they have put applicants for teachers in Indian schools under the civil service, and a number of other employees of the Indian service. The employees of the Printing Office and of the Geological Survey have also lately been put in the civil service, which of course brings a greater number of people for examination, and would therefore be a stronger argument why this sum should be increased and give better opportunities for examination.

Mr. McCALL of Tennessee. I was going to remark that the gentleman from South Dakota [Mr. PICKLER] differs from the gentlemen in charge of this department who state in their estimates that they only desire \$8,000. And as we gave them \$7,000 last year, and that was the first year they had received that amount, we thought, under all the circumstances, \$7,000 would be enough to appropriate for 1897. I only wish to call the attention of the committee to the fact that my friend must be excited on this ques-

tion, because he exceeds the estimate by \$1,000. Therefore I must insist that the amendment should be voted down.

Mr. PICKLER. Mr. Chairman, I do not know what the estimate is. I know that when a member of the House goes to ask that another place for holding examinations be allowed in his State the universal answer has been that Congress refuses to appropriate for the expense, and that therefore they can not do it. I have been there for four or five years, and the answer has always been that. They say they are willing to do it, but that Congress refuses to appropriate the money. I do not believe there can be any more worthy appropriation put into this bill. With the large civil-service list that there is now in this country, it is a good thing to give the young men and young women of the States and Territories an opportunity to go where these examinations are held.

Mr. STEELE. If you have been turned down in this way, why not make a motion to strike out the whole provision? I will vote with you.

Mr. PICKLER. I will not do that, because I believe in the Civil Service Commission. I do not want it stricken out.

Mr. BROSIUS. I just want to add a word to what the gentleman from South Dakota [Mr. PICKLER] has said. I had not intended to say anything upon this subject, but I am very strongly impressed, after giving the matter some considerable attention, that there is a real necessity for an increase in the appropriation for the expenses of the Civil Service Commission. The law and the rule require that two examinations be held in every State and Territory in the Union. That number of examinations is absolutely necessary. Indeed, it is inadequate. In 1894 there were over 37,000 persons examined for places in the civil service of the United States. Now, they are unable often to hold the required number of examinations, namely, two in each State and Territory. An increase in the amount allowed for this purpose—the small amount named by my friend from South Dakota—would, I think, be a very proper recognition of the importance and value of these examinations.

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

Mr. BROSIUS. With great pleasure.

Mr. LIVINGSTON. Do not the present facilities for examination give us the examination for about 40,000 persons for civil service and their eligibility passed upon, which is 35,000 more than we need or have places to fill? Now, if you extend the facilities, then you extend the number of applicants and increase by thousands and tens of thousands the people knocking at the doors of the Departments who can not get places. What do you want to do that for?

Mr. BROSIUS. I think it is very important and a good thing that the young men and young women of the country should aspire for civic honors. It would afford them opportunities of securing an honorable record if they desire it, and would increase this provision still more and authorize not only two examinations in each State or Territory, but three or four, so that the examinations would be accessible to all who desire to take them.

Mr. PICKLER. The suggestion of the gentleman from Georgia simply means that the rich man's son should be given an opportunity to be examined while the poor man's son would not be able to be examined.

Mr. BROSIUS. The great virtue, the peculiar excellency of our civil-service system is that it opens the doors of the civil service to personal worth. It knows no rank, but gives every man and every woman who is ambitious to serve his or her country in its civil service a convenient opportunity for an examination with a view to entering that service.

Mr. HARDY. At one hundred or two hundred dollars a month.

Mr. BROSIUS. I think this slight concession to this great institution of ours should be made.

Mr. CANNON. Mr. Chairman, it costs now, in round numbers, \$100,000 to run the Civil Service Commission.

Mr. LIVINGSTON. About \$100,000 more than it is worth.

Mr. CANNON. I am not here to attack it or to defend it. If we meet its estimates—and they always guess high enough, for they have caught on to that along with the other Departments—we will do quite well. In my judgment the bill gives quite a sufficient sum for effective service. It is useless for me to reply to the gentleman from Pennsylvania [Mr. Brosius], because we might not agree about the great benefit that comes to the multitude who have a chance to enter the civil service. Out in my country, when the notice is given, people travel and submit to the examination, and not one in fifty, after they pass the examination, has any fruition. Should I undertake to say anything further, from that standpoint it is a flat failure. I am not here to attack it or interfere with it, but when we give them the estimates we give quite enough. I did not think they were really in earnest about this appropriation until the gentleman from Pennsylvania bore his testimony. I did not think my friend from South Dakota was in real earnest. I supposed he was talking for that very sparsely settled section of the country known as the Sioux Reservation,

which he so ably and honorably represents now, as well as the other portions more thickly settled.

Mr. PICKLER. If the gentleman from Illinois will allow me, He says the civil service costs about \$100,000 a year. Now, is not that the very strongest argument that these examinations should be made accessible to any young man or young woman who feels that he or she wants a chance for an examination? Is not that the very reason why we should give them an opportunity, after we have spent all that money?

Mr. CANNON. Oh, when we meet the estimates we travel quite as fast as we are authorized in traveling, I will say to my friend.

Mr. PICKLER. The estimate is \$8,000.

Mr. CANNON. But the gentleman knew better than they did, and put it at \$9,000. Now, it has been growing and increasing; and the committee, after examination, thought \$7,000 sufficient, and I hope the committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

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

Mr. PICKLER. Division, Mr. Chairman. [Pending the count.] I withdraw the demand for a division.

The CHAIRMAN. The yeas have it, and the amendment is rejected.

Mr. PICKLER. I move to strike out the word "seven," in line 2, page 21, and insert the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 2, after the word "Washington," strike out "seven" and insert "eight."

Mr. PICKLER. That is the estimate, as I understand, of the Commission.

The question was taken; and the amendment was rejected.

Mr. McCALL of Tennessee. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 22, after line 12, insert:

"That hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein, unless otherwise expressly provided."

The amendment was adopted.

Mr. McCALL of Tennessee. I move that the committee rise.

Mr. McRAE. Mr. Chairman, pending that, I desire to present some amendments which I propose to offer to the marshals' and attorneys' salary bill, and I ask that they may be printed in the RECORD.

There was no objection, and it was so ordered.

The amendments are as follows:

Insert as an independent section, between sections 6 and 7, on page 9, of bill H. R. 6554:

"SEC. 7. That in all writs of venire facias and of subpoena for witnesses summoned on behalf of the United States it shall be the duty of the clerk issuing the same, so far as practicable, to ascertain and insert therein the post-office address of each person named therein, and when the marshal shall receive any such writ, if the time is sufficient for service by mail, as provided in this section, he shall address to each person named in such venire or subpoena, whose post-office address is given or can be ascertained promptly by him, a notice requiring such person to be and appear at the time and place and for the purpose mentioned in the writ. The marshal shall sign such notice officially, mail and register it at the post-office, addressed to the person therein mentioned, with a request indorsed on the envelope in the usual form for the return of the letter to him if not delivered within ten days. The postmaster to whom any such letter shall be delivered, inclosed in a Department of Justice penalty envelope, shall transmit the same without charge for postage or registry fee. The receipt of such registered letter by the person to whom the notice was addressed shall be deemed valid service upon him of the subpoena or venire, and the return registry receipt card, signed by such person, or proof of the delivery of such registered letter on his order, in writing, to any other person for him, shall be taken as prima facie evidence of service, and the marshal shall make return accordingly. Whenever any such notice shall be returned through the post-office undelivered, the marshal shall serve it as other writs are served; and whenever practicable all such returned notices, and all process and writs, the costs on which would be chargeable to the United States, other than writs of venire facias and subpoena for witnesses, shall be sent by mail, directed to the deputy marshal residing nearest the locality where such writs, process, or returned notices are to be served or executed, or to a special deputy appointed by him to serve the same in such locality, and such deputies shall make return of such writs, process, or notices to the marshal by mail; and in no case in which the United States would be chargeable with costs for the service of any writ, process, or notice of whatever character shall mileage be charged or allowed for travel from the place of issue to the place of execution or service thereof, if the same was sent or could have been sent by mail to a deputy marshal or other suitable person in the neighborhood of the place of service."

Insert the following new section between sections 14 and 15 on page 12:

"SEC. —. That every person who carries on the business of a retail liquor dealer without having paid the special tax as required by law shall for every such offense be fined not less than one hundred nor more than five hundred dollars and be imprisoned in jail not exceeding six months. That the judges of the circuit courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. All United States commissioners are hereby constituted inferior tribunals, with jurisdiction for final determination and judgment on any complaint for the offense of retailing liquors without payment of the special tax required by the laws of the United States. The trial of such cases by commissioners shall be without indictment, and a traverse jury of twelve men, when demanded by the defendant, shall be sum-

moned from the bystanders. From any judgment of the commissioner in any such case the defendant may appeal to the district court. In all proceedings in and about the trial of such complaints the commissioner shall conform to the rules for criminal procedure prescribed by the Revised Statutes, so far as the same are applicable, and in matters not provided for by the laws of the United States the commissioner shall follow the rules of procedure and the practice in trials of misdemeanors by justices of the peace or other courts of limited jurisdiction, under the laws of the State where the complaint is tried. United States commissioners shall receive for their services such fees as may be provided by law, except that in all criminal cases heard by them they shall only be allowed \$1 for issuing process to arrest and \$1 for a recognition or bond for court, including affidavits of jurisdiction of sureties and acknowledgments, and for all other writs and processes issued, for all oaths administered, for docketing and trying the same, and for all services performed the sum of \$5, and no more, for each case; but where two or more charges are preferred against any person at the same time the commissioner shall be allowed only for a fee in one case. In preliminary examinations where there is probable ground to believe the defendant guilty the commissioner shall bind him over, if he shall give the bail required, to appear for trial before the court having jurisdiction nearest the place where the offense was committed; and if he can not give the required bail the commissioner shall commit him for trial to the nearest jail where prisoners can be securely and most economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled; and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, in writing, be removed to and tried at that place in the judicial district where the court will be held next after his commitment. Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district to be submitted to the court for approval. It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance. Jurors shall be allowed for attending a commissioner's court, as provided in this section, 50 cents each, to be paid by the marshal on the certificate and order of the commissioner."

Insert the following sections between sections 16 and 17, on page 15:
 "SEC. — That no fees shall be paid to any United States commissioner on any warrant issued, or any other fees, in prosecutions under the internal-revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been approved either before or after arrest of the defendant by a circuit or district judge, or the attorney of the United States in the district where the offense is alleged to have been committed, and unless said prosecution shall have been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States district attorney or his assistant, a collector or deputy collector of internal revenue, or revenue agent, setting forth the facts upon information and belief."
 "SEC. — That section 853, Revised Statutes of the United States, is hereby repealed from and after June 30, 1896, when this act shall take effect and be in force."

Mr. MCCALL of Tennessee. Mr. Chairman, before the motion that the committee rise is put, I wish to ask unanimous consent that where any amendment has been adopted which involves a change of the total at the end of the paragraph the clerk of the committee shall have the right to make the total appearing in the bill conform to the fact.

There was no objection, and it was so ordered.

The motion of Mr. MCCALL of Tennessee that the committee rise was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the legislative appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without my approval House bill numbered 2769, entitled "An act to authorize the leasing of lands for educational purposes in Arizona."

This bill provides for the leasing of all the public lands reserved to the Territory of Arizona for the benefit of its universities and schools, "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory."

If the proposed legislation granted no further authority than this, it would in terms at least recognize the safety and propriety of leaving the desirability of leasing these lands, and the limitations and safeguards regulating such leasing, to be determined by the local legislature chosen by the people to make their laws and protect their interests.

Instead of stopping here, however, the bill further provides that until such legislative action the governor, the secretary of the Territory, and the superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior. It is specifically declared that it shall not be necessary to submit said leases to the Secretary of the Interior for approval, and that no leases shall be made for a longer term than five years, nor for a term extending beyond the date of the admission of the Territory to statehood.

Under these provisions the lands reserved for university and school purposes, whose value largely depends upon their standing timber, and in which every citizen of the Territory has a deep interest, may be leased and denuded of their timber by officers none of whom have been chosen by the people, and without the sanction of any law or regulation made by their representatives in the local legislature. Even the measure of protection which would be afforded the citizens of the Territory by a submission to the Secretary of the Interior of the leases proposed, and thus giving him an opportunity to ascertain whether or not they comply with his regulations, is especially withheld.

It was hardly necessary to provide in this bill that these lands might be leased "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory," if the action of the legislature was to be forestalled and rendered nugatory by the immediate and unrestrained action of the officers constituted "a board for the leasing of said lands" pending such legislative consideration. These are inconsistencies which are not satisfactorily accounted for by the suggestion that the time that would elapse before the legislature could consider the subject would be important.

The protests I have received from numerous and influential citizens of the Territory indicate considerable opposition to this bill among those interested in the preservation and proper management of these school lands.
 GROVER CLEVELAND.

EXECUTIVE MANSION, February 28, 1896.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that action upon the message just read be postponed until to-morrow morning, after the reading of the Journal.

Mr. DINGLEY. Do I understand that a vote is then to be had without discussion?

Mr. LACEY. The request is that the matter come up for consideration to-morrow, after the reading of the Journal.

Mr. RICHARDSON. I did not hear the gentleman distinctly. Does this request, if agreed to, bring the matter up in the House without referring it to the committee?

Mr. LACEY. It brings it up in the House. The committee have no desire to consider the matter further. It has been thoroughly considered.

The unanimous consent asked for by Mr. LACEY was given.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 1758) for the relief of Christopher Schmidt;

Joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida;

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring). That there be printed 15,000 copies of the work on apiculture compiled by the Department of Agriculture, the same to be in paper covers, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the Senate;

A bill (S. 268) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.;

A bill (S. 1359) for the construction of two steam revenue cutters for service on the Pacific Coast; and

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring). That 25,000 extra copies of Senate Document No. 92, third session of Fifty-third Congress, relating to the introduction of reindeer into Alaska, be printed, of which number 5,000 in paper covers shall be for the use of the Senate and 10,000 in paper covers for the use of the House of Representatives and 10,000 in paper covers for the use of the Bureau of Education.

The message also announced that the Senate had passed with amendments the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3537) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War.

SENATE BILLS AND RESOLUTIONS REFERRED.

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

A bill (S. 1758) for the relief of Christopher Schmidt—to the Committee on Claims.

A bill (S. 268) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.—to the Committee on Public Buildings and Grounds.

A bill (S. 1359) for the construction of two steam revenue cutters for service on the Pacific Coast—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida—to the Committee on Rivers and Harbors.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring). That there be printed 15,000 copies of the work on apiculture compiled by the Department of Agriculture, the same to be in paper covers, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the Senate—

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring). That 25,000 extra copies of Senate Document No. 82, third session of Fifty-third Congress, relating to the introduction of reindeer into Alaska, be printed, of which number 5,000 in paper covers shall be for the use of the Senate and 10,000 in paper covers for the use of the House of Representatives and 10,000 in paper covers for the use of the Bureau of Education—

To the Committee on Printing.

PENSION APPROPRIATION BILL.

Mr. WILLIAM A. STONE. Mr. Speaker, I submit a conference report on the pension appropriation bill, and ask to have the report and the statement read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 3537, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2. That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

WM. A. STONE, R. W. BLUE, S. M. ROBERTSON, Managers on the part of the House.

WM. B. ALLISON, S. M. CULLOM, Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the pension appropriation bill (H. R. 3537) submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the Senate amendments, namely:

On amendment numbered 1: Makes continuing and permanent in its character the provision proposed by the House requiring that pensions under the act of June 27, 1890, shall date from the time of filing the first application.

On amendment numbered 2: Appropriates \$750,000, as proposed by the House, instead of \$800,000, as proposed by the Senate, for fees and expenses of examining surgeons.

On amendment numbered 3: Appropriates \$25,830, as proposed by the Senate, instead of \$23,070, as proposed by the House, for rents of pension agencies.

The bill as finally agreed upon appropriates \$141,328,590, being \$2,760 more than as it passed the House.

WM. A. STONE, R. W. BLUE, S. M. ROBERTSON, Managers on the part of the House.

Mr. WILLIAM A. STONE. Mr. Speaker, if no gentleman wishes for further information than that disclosed by the report and accompanying statement, I move the adoption of the report, and on that motion I ask the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

CUBA.

The Secretary of the Senate, appearing at the bar of the House, read the following resolutions, adopted by the Senate; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That in the opinion of Congress a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

[Loud applause.]

REPRINT OF A BILL.

Mr. SPERRY. On behalf of the Committee on the Post-Office and Post-Roads, I ask unanimous consent that the bill (H. R. 3273) for the classification of clerks in first and second class post-offices be reprinted, the previous print having been exhausted.

There being no objection, it was ordered accordingly.

CONTESTED ELECTION—M'DONALD VS. JONES.

Mr. TURNER of Virginia. Mr. Speaker, I am instructed by the Committee on Elections No. 1 to present its unanimous report in the case of McDonald vs. Jones, from the First Congressional district of Virginia. I ask for the present consideration of the report, and shall move the adoption of the accompanying resolution.

The report of the committee was read, as follows:

To the honorable Speaker and the House of Representatives:

The Committee on Elections No. 1 do hereby respectfully report as follows: That we have fully considered the application of James J. McDonald for leave to serve notice of contest and to contest the election of WILLIAM A. JONES, as Representative in Congress for the First Congressional district of the State of Virginia, and we have listened attentively to the arguments of the counsel for the respective parties and to the proofs produced by them, and respectfully report:

That with reasonable diligence the notice of contest could have been served within the time prescribed for that purpose by the act of Congress in such case made.

And we are further convinced by the proofs produced before us on the hear-

ing of the said application and report that there is no substantial ground in fact for the proposed contest, and the same could not be successfully maintained if it should be allowed to be made.

It also appeared that the said James J. McDonald at the time of the election in 1894, and prior to and since that time, was engaged in business and resided with his family in the city of Washington, in the District of Columbia, and that he had no place of business and no business or residence of any description in the State of Virginia, and the committee is of opinion that he was not an inhabitant of the State of Virginia at or near the time of the election for Representatives in Congress in the First Congressional district of said State in 1894. And that he was not eligible for said office at or near the time of the said election in the year 1894.

Upon these grounds the committee unanimously adopted the resolution that the application of the said James J. McDonald for leave to serve a notice of contest of, and to contest, said election should be, and it thereupon was, denied. And the committee respectfully recommend the adoption of the following resolution by the House of Representatives. All of which is respectfully submitted.

Dated February 25, 1896.

CHARLES DANIELS, Chairman. LEMUEL W. ROYSE. FRED C. LEONARD. ROMULUS Z. LINNEY. WILLIAM H. MOODY. EDWARD D. COOKE. HUGH A. DINSMORE. C. L. BARTLETT. S. S. TURNER.

Resolved, That the application of James J. McDonald for leave to serve a notice of contest and to contest the election of William A. Jones as Representative of the First Congressional district of the State of Virginia in the Fifty fourth Congress be, and the same hereby is, denied.

Mr. TURNER of Virginia. I move the adoption of the resolution just read.

The question being taken, the resolution was adopted.

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

ORDER OF BUSINESS.

Mr. McCALL of Tennessee. I move that the House now take a recess until 8 o'clock.

Mr. GIBSON. I hope the gentleman will withdraw that request for a moment. I hold in my hand, Mr. Speaker—

The SPEAKER. If the motion for a recess is withdrawn, the Chair recognizes the gentleman from Utah [Mr. ALLEN].

Mr. ALLEN of Utah. I ask unanimous consent for the consideration of the bill (H. R. 4498) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

Mr. McCALL of Tennessee. I have not withdrawn my motion for a recess.

The motion of Mr. McCALL of Tennessee for a recess was agreed to.

The SPEAKER. The gentleman from Iowa, Mr. HEPBURN, will preside at the evening session.

The House then took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. HEPBURN as Speaker pro tempore, who directed the Clerk to read clause 2 of Rule XXVI.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the rule just read.

Mr. ERDMAN. Mr. Speaker, when on last Friday night the gentleman who has just made that motion attempted to accentuate the position of some gentlemen on this side, myself among the number, as obstructing pension legislation and as preventing the passage of pension bills for deserving soldiers, without giving us an opportunity to reply, he probably provoked such antagonism as to have prevented any pension legislation at all until a quorum should appear on this floor, but for myself I do not propose to raise that question at this time on going into the Committee of the Whole.

But I wish to say this in regard to the allegation of the gentleman from South Dakota. I wish to say that I, and my associates with me here, stand ready to assist in passing what we regard as honest and deserving bills for honest and deserving soldiers or their widows; but we do protest that favoritism and unfairness shall not be recognized in this House in the consideration of pension legislation. We protest that the "bums," the bounty jumpers, the camp followers, and others of that class who are excluded from the general pension law and from the benefits of the legislation heretofore passed shall not come in here, when they have a friend at court, and have their bills presented and driven through to the exclusion of honest, deserving, and meritorious soldiers.

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

Mr. ERDMAN. Certainly.

Mr. TAWNEY. Has the House attempted to grant any pensions to camp followers during this session, or to deserters? If so, I would like to know which they are.

Mr. ERDMAN. There have been attempts; and from the bills

that are still on the Calendar the gentleman will see, if he chooses to inspect them now, or in future, that there are many of this character to come up for the consideration of the House; and I want to say for myself that these bills we are going to oppose, and if the great majority of the House proposes to put themselves on record, and go to the country in favor of forcing through bills of that character, let them do it.

Mr. CROWTHER. Will the gentleman please name one bill on the list of bills on the Calendar, reported from the Committee on Invalid Pensions, which is to grant a pension to a camp follower?

Mr. ERDMAN. I will point them out in due time when we reach them, and proceed to discuss the several bills in their order. If the other side attempts to parade us before the country as opposed to proper legislation, they are doing or attempting to do an act that is not warranted by the facts, and one that is not based on truth.

The SPEAKER pro tempore. The gentleman from South Dakota moves that the House go into Committee of the Whole to consider bills on the Private Calendar.

The motion was agreed to.

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

CAROLINE D. MOWATT.

The CHAIRMAN. The Clerk will report the first business on the Calendar.

Mr. PICKLER. The House bill, Mr. Chairman, No. 1139, granting a pension to Caroline D. Mowatt, I ask to be reported again, as it was before the committee at the time we rose at the last session.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

Mr. LAYTON. Mr. Chairman, this is a bill that was under discussion when the committee rose on last Friday night, as I remember. I have stated that this is House bill No. 1139, granting a pension to Caroline D. Mowatt.

From the report of the committee accompanying the bill, about which there appears to be no controversy, as I understand it, the facts are disclosed that this lady was the wife of a soldier, a major in the army during the war of the rebellion, who was discharged as such by reason of disabilities incurred in the service or in the line of duty, and that soon after his discharge he died as a result of wounds incurred in service. It further appears from the state of facts accompanying the bill that she was married to this major long prior to the war, in fact prior to 1850, that she bore him children; that soon after the war, probably four or five years, she remarried and remained the wife of her second husband for a period of years, when her second husband died, leaving her again a widow. She asks now to be restored to the pension rolls, and the question is presented to the House whether or not it will pension a "war widow" who forfeited her right to a pension by her remarriage.

It will be seen, therefore, that a proper and careful consideration of the facts accompanying this bill, that the principle involved in the bill itself necessarily requires the consideration of two or three material and important questions, which ought to be disposed of now. The first I have already stated. The other directly or indirectly involves another question: Whether or not it is the purpose of this Congress to materially increase the pension rolls; and in the third place, and immediately following that, whether or not it is the disposition of this Congress to materially increase the appropriations for the payment of pensions. I say that all these questions are directly, or if not directly at least indirectly, involved in the disposition of this case, and hence it requires our serious consideration at the very outset.

I may say also, as a member of the Committee on Invalid Pensions, that I believe it is the desire of the Invalid Pensions Committee that this question should be disposed of now if possible, as a matter of instruction or guide to that committee, for the reason that a large number of these bills are pending before the committee, and if this bill should be favorably considered I have no doubt that a very large number of bills of a similar character will be presented for your consideration.

Now, as to the first question, so far as this bill is concerned, I for one have no hesitancy in saying it ought to receive our favorable consideration. I repeat that the facts show that this widow now claiming a pension was the wife of a soldier during the war; that she bore him children, one or two of whom are yet living; that she is an aged woman, something over 70 years old, I believe; that she has no property or means of support whatever and is dependent upon the labor of a daughter, who is also the daughter of the soldier. I favor the passage of this bill for these three

reasons: First, because she is a war widow—and the remarriage never removes that fact from my mind. She fought the war with her gallant soldier husband, Major Soule; she endured the anguish of suspense during the time that her husband was in the war; she remained at home and supported his children. She did her duty just as well as did her soldier husband, and the simple fact that she remarried can not remove that from my mind. She still remains a war widow and as such is entitled, in my judgment, to a pension, just as much as the gallant soldier who went out and exposed himself in battle for his country.

In the second place, she is an aged woman, unable to maintain herself, and in the third place, she has no property or means of support and no one upon whom she can depend for support, except this one daughter—the daughter of the soldier. Now, I say without hesitation, after having given this important question serious consideration, that all such widows should be again restored to the pension roll. Whether this committee should go further than that I am not prepared to say. Gentlemen ask, "Why do you not place all the widows, then, upon the pension roll, if you adopt this principle? In order to be consistent and in order to do justice you must place them all upon the pension roll." I do not concede that proposition, Mr. Chairman. I say, so far as this state of facts is concerned, so far as war widows are concerned, so far as aged and dependent widows are concerned, we ought to replace all of them upon the pension roll, and I am in favor of doing it. Whether I would go further, I do not know that I am at this time ready to express an opinion. In my judgment there are not many of this kind of widows in this country. It has been stated by the gentleman from Pennsylvania [Mr. ERDMAN] that there are probably 10,000 unmarried and divorced widows. I understood him to say that that includes all widows of soldiers not upon the pension rolls that have remarried or have been divorced from their husbands since the war.

He does not include the war widows in that estimate alone. I undertake to say if 10,000 is the total of all that class of widows, the number involved in the spirit and the letter of this bill would not be one-fifth of that number—perhaps 2,000. Of course I have no data by which this number may be determined, and I am simply guessing at it. But let the number be large or small, I repeat, after serious consideration, I am earnestly in favor of replacing them again upon the pension rolls for the reasons I have stated. I do not hesitate to say while I have the floor—and I do not often take up the time of the committee—that I am in favor of extending the pension roll in other respects, and I trust this Congress is also of the same mind. We have a bill pending before us to increase the pensions of armless and legless soldiers.

Mr. HARDY. Mr. Chairman, is there any limit on debate at these Friday night sessions?

Several MEMBERS. One hour.

Mr. HARDY. The time is valuable, and we have a great deal of business before us.

The CHAIRMAN. The gentleman from Indiana will not interrupt the gentleman who has the floor without his permission.

Mr. LAYTON. I regret very much that the gentleman from Indiana should attempt to call me down.

Mr. HARDY. I am not attempting to call you down. I only say the time is valuable—

Mr. LAYTON. This is the first time that I have asked the indulgence of this committee, notwithstanding I have been present at every Friday night meeting not only in this Congress, but in the Fifty-second and Fifty-third Congresses. I am trying to explain, in answer to a suggestion, that this side of the House is not opposed to reasonable pension legislation. I want to state to the gentleman from Indiana [Mr. HARDY] that by reason of the fortunes or misfortunes of politics, my most worthy colleague [Mr. Sorg] and myself happen to be placed in the position of representing, in a measure, 400,000 intelligent Democratic white voters of the State of Ohio [applause on the Democratic side]; and in what I now say I am, as I believe, representing on this question those 400,000 intelligent white Democratic voters of Ohio.

Mr. HARDY. Will the gentleman allow me for one moment?

Mr. LAYTON. For one question, not a speech.

Mr. HARDY. I want to place myself right before the gentleman. I assure the gentleman that I did not know what State he was from, and I did not inject anything into his remarks for the purpose of curtailing his time, but only in the matter of the economy of time at these Friday night pension sessions. I am heartily in favor of the bill and of everything that he asks and proposes, and I have nothing against the gentleman personally or politically or any other way. I am in favor of what he has stated; but let us economize time. That is all I am after.

Mr. LAYTON. I accept the gentleman's apology. [Laughter and applause.]

Mr. HARDY. It is not an apology, but an explanation. I am with you.

Mr. LAYTON. This is not my bill, Mr. Chairman. I have no personal interest whatever in this bill. It was introduced by the

gentleman from New Hampshire [Mr. SULLOWAY]. I do not know the beneficiary.

Mr. HARDY. I am for the bill; I tell you that.

Mr. LAYTON. I am speaking, and I think I made myself intelligible, because an important principle is, as has been stated upon this side, involved in this bill.

Let me state to the gentleman from Indiana, if we settle this bill and settle it right, we have advanced the cause of pensions a great deal.

Mr. HARDY. Go on, and God bless you. [Laughter.]

Mr. LAYTON. Thank you. I have said I am in favor, as one on this side of the House, of extending the pension roll; and I have mentioned one case in which I propose to advocate upon this floor the serious extension of that roll; but I do not want to take up the time of this committee by anticipating any further legislation, but to impress upon the committee the importance of giving this particular bill, small as it may appear, their serious and earnest consideration, so that we may know hereafter, in the Committee on Invalid Pensions especially, what we are to do with the numerous cases of this character that are submitted to us. The question I refer to, and a good many members are interested in the matter, is the simple question, and the only question, involved in this bill submitted by the gentleman from New Hampshire, whether or not the widow of a soldier during the war, who bore him children before he went to the war, stayed at home during the time he was at the front, took care of and supported his children, and who afterwards remarried and again became a widow, who is now aged, over 72 years of age, and dependent entirely upon pension, whether or not that kind of a widow shall be restored to the pension roll.

Mr. HARDY. Yes, sir.

Mr. LAYTON. That is the question, and I say yes. I say not only this widow, but all similar widows, should be placed on the pension roll, and I hope that I will not be met, and no gentleman will attempt to meet me, with the argument that has been advanced so frequently heretofore, "Why not place them all upon the pension roll?" I say to you gentlemen of the committee, let us dispose of these bills as they come before us, especially in a case of this kind, where the lady is aged and liable to die before a general pension bill shall be adopted.

Mr. HULICK. Will my colleague permit me to ask him a question?

Mr. LAYTON. Certainly.

Mr. HULICK. I wish to know whether your committee consider all applications for bills like this, and report favorably on the cases of all widows who are applying for a special act, or whether you make a distinction. I do this for my own information in regard to presenting similar bills for my constituents.

Mr. LAYTON. The question as to whether we are reporting all of them I can not answer; but so far as bills of this exact character, where the woman was a war widow and is dependent, has no means of support or property, this committee has invariably thus far reported the bills favorably, although we have met with some opposition on the side of the minority.

Mr. HULICK. Then you do discriminate against certain classes of widows?

Mr. LAYTON. I can not answer that question directly, I will say to my colleague. My recollection is now that that question has not as yet been presented by any special bill.

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

Mr. LAYTON. Certainly.

Mr. ERDMAN. Does he know of a single bill that the Committee on Invalid Pensions has rejected, of any character, when presented by a subcommittee?

Mr. LAYTON. I can not answer that question directly. I have no distinct recollection. But in answer to the inquiry of the gentleman from Ohio, I state that so far as this particular character of bills is concerned they have all been reported favorably.

Mr. ANDREWS. Just a moment, in response to the question asked by the gentleman from Pennsylvania. I believe he desired to be informed whether or not the Committee on Invalid Pensions had rejected any bill recommended by any subcommittee. I do not recollect of such an instance; but I know of instances in which bills have not been reported which, in the judgment of the subcommittee, were not worthy of a favorable report.

Mr. LAYTON. Mr. Chairman, I can corroborate the gentleman from Nebraska as to that statement, because I have had similar experience. After investigation of a number—a large number, I will say—of bills, after a careful investigation, and after consulting with my colleagues and with the clerks of the committee, who are experts upon the question, and examining the precedents, they have been laid aside without favorable action; quite a number of them. But I do not desire to anticipate all the questions that may arise. But what the Committee on Invalid Pensions want determined to-night is whether or not this particular class of bills are to be considered favorably by the

Committee of the Whole and by the House. If not, we will simply lay them aside and be relieved of a good deal of unnecessary labor.

One word now as to a general bill. There are, as I remember, two or three general bills of a similar nature to this—that is, bills proposing to replace the remarried widows of soldiers upon the pension roll—and the action taken here in reference to this particular bill will serve as a guide to the Committee on Invalid Pensions for its action on those bills. For this reason, while I may, perhaps, as suggested by the gentleman from Indiana, have taken up a good deal of time, it will be found in the long run that if this general question is settled here fairly and intelligently we shall really gain time in pension legislation, and that is why I have ventured to occupy so much of the time and attention of the committee on this occasion.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. ERDMAN. Mr. Chairman, I think I shall send up and have read by the Clerk, in my time, the views which I expressed upon this question on a previous occasion, and then I should like to hear some gentleman who holds the opposite view take up and answer seriatim the argument which I have advanced.

The Clerk proceeded to read the matter sent up by Mr. ERDMAN.

Mr. ANDREWS. Mr. Chairman, may we have a reference to the page of ancient history where this statement can be found?

The CLERK. It is on page 1741 of the CONGRESSIONAL RECORD of February 14, 1896.

The Clerk read as follows:

The purpose of this bill is to restore her to the pension roll the same as if she were still the widow of the soldier whose name she voluntarily surrendered years ago.

To pass this bill is to nullify for the benefit of this one individual the substantial limitation of the general laws that the pension of soldiers' widows who have remarried shall cease.

The objections to be urged against such bills as this are numerous. In the first place, it makes an exception of a case which is in no wise exceptional. There may be varying degrees of destitution in different cases, but it may be fairly stated that all cases of widows who have remarried and again become husbandless, by reason of death or divorce, present the same substantial conditions.

If any widow so situated should be restored to pension, all widows so situated should be restored, and this by general enactment and not by individual private bills, whereby those who may happen to have a friend to espouse their cause secure a benefit which the modest and the unknown never think of seeking. Special pension acts are justifiable only in cases which are essentially exceptional and should not be used to grant to one that which is denied to the many whose situation is precisely the same. But aside from this consideration, however, the soldier's widow who remarries voluntarily relinquishes her pension because she prefers to do so.

The Government can not become an insurer against an unfortunate termination of this second matrimonial venture either by divorce or death. To restore pension in case of divorce is to encourage remarried widows to seek divorces, and, in any event, it is to give them an ostensible claim upon the soldier's death and memory which they have long since renounced by preference.

Furthermore, it is not to be assumed that legislation of this character is in the line of justice or of honor to the soldiers themselves, or that it is necessarily desired or favored by the soldier classes. A contribution from the public Treasury to the support of the widow of the soldier, so long as she remains his widow, every soldier, perhaps, desires, and the common consent of the nation for thirty years has sanctioned this; but that each soldier looks forward to and desires that his services and his memory shall be the basis of a pension to his wife at some remote day, beyond an intervening period of matrimonial alliance with some other husband, is by no means self-evident or fairly to be presumed.

During the reading of the foregoing the following occurred:

Mr. HEPBURN. Mr. Chairman, I make a point of order against the reading of that statement. This is the second time during this Congress that the gentleman has had that read, and the point I make is that after a paper has once been read, it can not be re-read unless by unanimous consent.

The CHAIRMAN. The Chair holds that this is a part of the remarks of the gentleman from Pennsylvania.

Mr. HEPBURN. Even if it is, does not the rule apply? This is an independent paper.

The CHAIRMAN. The Chair thinks not, and will overrule the point of order.

Mr. ERDMAN (at the conclusion of the reading). Now, Mr. Chairman, I simply want to say that if you find yourselves without a quorum in endeavoring to force this bill through do not come over to this side and appeal to us to lay the bill aside and take up something else. If this is to be a tentative process, let the effort be made and let the session end. [Cries of "Vote!" "Vote!"]

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

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 85, noes 5.

Mr. ERDMAN. No quorum.

The CHAIRMAN proceeded to count the House. Before the announcement of the count was made,

Mr. ERDMAN. I demand tellers upon the count.

The CHAIRMAN. There are 106 members present, a quorum, and the bill is laid aside with a favorable recommendation.

The Clerk will read the next bill.

THEODORE WERNER.

The next business on the Private Calendar was the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner.

The bill was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Theodore Werner, late a private in Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and to issue to him an honorable discharge: *Provided,* That no pay, bounty, or emoluments shall become due to said Werner by virtue of the passage of this act.

Mr. BAKER of New Hampshire. Let us have the report.

An amendment by the committee was read, as follows:

Line 7, after the word "discharge," insert "to date December 30, 1864."

Mr. BAKER of New Hampshire. Let us have the report read, Mr. Chairman.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Mr. Chairman, the report is called for.

Mr. BAKER of New Hampshire. I have asked for the reading of the report three times.

The CHAIRMAN. The Chair did not hear the gentleman. The Clerk will read the report.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner, having had the same under consideration, would respectfully refer the same back to the House, and recommend that the bill be amended in line 7 by adding, after the word "discharge," the words "to date December 30, 1864," and that the bill when so amended do pass.

The facts in this case, briefly stated as found by your committee, are as follows:

This soldier enlisted August 12, 1861, and served faithfully until the last of December, 1864, a period of more than three years and four months. He participated in the battles of Shiloh, Corinth, Stone River, Perryville, Chickamauga, Mission Ridge, Buzzards Roost, Picketts Mill, Atlanta, Jonesboro, and Nashville. He had the record of a brave and fearless soldier. After the retreat of Hood after the battle of Nashville the soldier became separated from his command and went home.

Your committee are of the opinion that a soldier with so brilliant a record standing to his credit should at this late day have this act of clemency extended to him.

The report of the Adjutant-General is as follows:

Case of Theodore Werner, late of Company E, Forty-ninth Ohio Infantry Volunteers.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
January 23, 1896.

The records show that Theodore Warner (also borne as Theodore Werner) was enrolled August 12, 1861, and mustered into service August 22, 1861, as a private in Company E, Forty-ninth Ohio Infantry, to serve three years. The company muster rolls report him as follows: August 31, 1862, presence or absence not stated; October 31, 1862, present; December 31, 1862, "Missed in the battle of Stone River, December 31, 1862"; February 28, 1863, "Paroled prisoner, captured December 31, 1862, at the battle of Stone River"; April 11, 1863 (special muster), "Captured December 31, 1862, paroled, and in Columbus, Ohio"; to October 31, 1863, same report; December 31, 1863, "Left in convalescent camp, Chattanooga, Tenn., since December 1, 1863."

He reenlisted as a veteran volunteer January 1, 1864, and he is thereafter reported as follows: February 29, 1864, "In Ohio on thirty days' furlough since February 12, 1864"; to August 31, 1864, present; December 31, 1864 (four months' muster), "Absent without leave since December 25, 1864"; February 28, 1865, "Deserted near Columbus, Tenn." The muster-out roll of the company, dated November 30, 1865, reports him: "Deserted in the face of the enemy January 1, 1865, at Columbus, Tenn." He did not return to his command after his desertion.

The Prisoners of War Records report him as follows: "Captured at Murfreesboro, Tenn., December 31, 1862; confined at Richmond, Va., January 16, 1863; paroled at City point, Va., January 26, 1863; reported at Camp Parole, Maryland, January 27, 1863; sent to Camp Chase, Ohio, March 10 or 12, 1863, where he reported March 13 to 22, 1863, as an exchanged prisoner; transferred to Columbus, to be forwarded to his regiment, June 23, 1863, and sent to Cincinnati, Ohio, the same day."

In an application for removal of the charge of desertion the soldier submitted testimony as follows:

1. Affidavit of his brother, Henry Werner, who declared, March 17, 1888, that applicant had been sick of typhus fever at his (affiant's) house from February to May, 1865.

2. His own affidavit, in which he declared, February 23, 1892, that about December 12, 1864, he left his regiment with two comrades on a foraging expedition; that after going some 5 miles, his comrades proposed that they go home; that he, being young, was easily persuaded to accede to the proposition, thinking that all three would soon return; that he went to Missouri, and having heard of the President's proclamation recalling soldiers to their commands, he was about to return when he was taken sick with typhoid fever; that when he was again able to travel the time within which deserters could report under the proclamation had expired, and he supposed that it was too late to try to rejoin his regiment, and that the attempt might get him into further trouble.

3. Another affidavit of his, under date of May 17, 1894, to the same effect as his preceding testimony.

This application for relief has been repeatedly denied, the testimony submitted not being deemed sufficient to warrant favorable action under the law.

Since the date of last denial, May 26, 1894, the status of the case has undergone no change.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.
THE SECRETARY OF WAR.

The CHAIRMAN. There is a letter accompanying the report. Does the gentleman desire to have that read also?

Mr. BAKER of New Hampshire. I would like to have the gentleman reporting the bill explain how this soldier got separated from his command. A satisfactory explanation of that is the only excuse in such a case except a record of previous good service. If this man got separated from his command intentionally, if he intended to desert, he ought to stand upon the record he has made. There should be some explanation on that point.

Mr. BISHOP. Mr. Chairman, I made the report on behalf of the committee. The introducer of the bill and the beneficiary of it are both entire strangers to me. I took great pains, however, to look up the record of this soldier as presented in the War Department records, and also to examine the various affidavits presented to sustain the bill. It appears that on the retreat of Hood this man was ill and remained a short time in Nashville. He then tried to rejoin his command, but did not succeed in finding them, as they were moving very rapidly toward the south. It was proposed by one or two of his comrades that they should go home and wait until the regiment should be stationed at some place where they could rejoin it. Very soon after getting home he was taken sick with typhoid fever and remained so until after the time when the regiment was at a point where he could rejoin it.

But the special thing that the committee considered more than all others was the fact that this soldier enlisted in 1861 and participated in some of the hardest fought battles of the war. He did valiant service. He stayed with his command until the war was almost over. The committee thought that this man, who had stood in the forefront at Chickamauga, at Stones River, at Nashville, and eleven or twelve others of the hardest fought battles of the war, ought to be forgiven for a single act of neglect of duty.

The amendment reported by the committee was agreed to, and the bill as amended laid aside to be reported favorably to the House.

JOSEPH PORTER.

The next business on the Calendar was the bill (H. R. 3993) granting a pension to Joseph Porter.

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 Joseph Porter, late a private in Company K, Eighth New York Heavy Artillery, at the rate provided for total blindness, in lieu of the pension he now receives.

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

Strike out, in line 6, the words "provided for total blindness" and insert the words "of \$30 per month."

Mr. MCCLELLAN. I ask that the report be read for the information of the committee.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3993) granting a pension to Joseph Porter, having carefully considered the same, adopt the accompanying Senate report (No. 820) as their own and respectfully recommend that the bill do pass with the following amendment:

In line 6 strike out the words "provided for total blindness" and insert in lieu thereof the words "of \$30 per month."

[Senate Report No. 820, Fifty-third Congress, third session.]

The Committee on Pensions, to whom was referred the bill (S. 2141) granting a pension to Joseph Porter, have examined the same and report:

The petitioner, Joseph Porter, late a private in Company K, Sixth New York Volunteer Heavy Artillery, enlisted September 23, 1864, and was discharged June 28, 1865, having served about nine months. He filed an application on September 1, 1890, alleging rheumatism and injury of left hand, claiming that he was totally unable to earn a support, and was crippled in his left hand as a result of his service, said disabilities having been contracted in the line of duty and not due to vicious habits. He claims that he incurred said injury at Cedar Creek, Virginia, on the 19th day of October, 1864; claiming that while his regiment lay there the enemy suddenly and unexpectedly came on them and they all rushed for their guns. In the rush and excitement he received said injury in his left hand, it being very dark, the night being lighted only by the camp fires. He is not able to state just how it was done. The wound was not noticed until after the excitement was over. He has always believed that his hand was pierced by a bayonet. This is the only knowledge that he has and statement that he is able to make. He further claims that his rheumatism was brought on by exposure and hardships, damp, cold weather, laying out all night in the rain, and other exposures incidental to army life.

Dr. Perdue, of Haverstraw, N. Y., whom he alleges treated him in 1865 at the time of the first appearance of his disability, in the month of October or thereabouts, after the battle of Cedar Creek, is dead, and hence he is unable to get the evidence of this physician. He was afterwards treated by Dr. Nye, of Avoca, Iowa, in 1877, which physician is also dead. He was also treated by Dr. Carman, of the same place, in 1880. From the year 1865 up to within the last six years the petitioner claims he was unable for the performance of manual labor to the extent of about one-half, and within the past six years he has been totally disabled for the performance of any manual labor. Applicant has been totally blind for over four years, and he alleges that his eyesight began to fail from the time of his discharge.

One of his neighbors, John C. W. Cool, testifies that he is personally acquainted with the petitioner and has known him for a number of years past and met him almost daily after his blindness occurred, and that he knows him to be suffering from what he alleges to be rheumatism, complaining of the same every week. Christopher Armstrong also testifies by affidavit that he has been personally acquainted with the petitioner for eighteen years, and is familiar with his physical condition; that he is totally blind, and is without any means whatever except the pension he is now receiving of \$12 per month. He has no property of any kind; that he requires the aid and attendance of some one continually, and that his wife is advanced in age and is unable to give him the attendance he requires.

H. B. Day testifies that he is a regular practicing physician and has been

engaged in the practice for fifteen years, and has been claimant's family physician; that he is totally blind in both eyes and has been so for three or four years, and that the said blindness is the result of glaucoma and cataract of both eyes; that both eyes have been operated upon and no relief has thus far been obtained; and that in his opinion there is absolutely no hope of his obtaining any relief in the future; that he is dependent on his neighbors for aid and attention, having no property of any kind, according to his knowledge and belief.

The report of the board of pension examiners is as follows:
"The petitioner suffers with rheumatism in the shoulders and legs, not being able to do any work, has so much pain after being on his feet, and can not lift arms above head; that the action of the heart is very weak, hard to hear at all, and can not feel its impulse; there is a pronounced obstructed murmur. He gets around with difficulty."

In view of the fact that after a careful examination of all the papers and evidence submitted your committee are of the opinion that the disabilities which at present affect him probably had their origin in the exposure due to his service in the Army, while under the law governing the Pension Department he is denied a further increase of pension, having applied for the same and the case having been rejected, still your committee believe that the equities of the case warrant an increase to the extent of \$30 per month.

Your committee therefore recommend the passage of the bill with an amendment.

Amend by striking out the words, in lines 6 and 7, "provided for total blindness" and insert in lieu thereof "\$30 per month," so as to read "at the rate of \$30 per month, in lieu of the pension he is now receiving."

Mr. McCLELLAN. Will the gentleman in charge of this bill tell us whether there is any evidence that this man's blindness is of service origin except his own statement and belief?

Mr. TAWNEY. If it were of service origin would he not be entitled to a pension of \$72 a month?

Mr. McCLELLAN. Certainly. But as the circumstance of his blindness is introduced here as a part of the case, there ought to be at least some presumption connecting it with the service.

Mr. BAKER of Kansas. The only evidence is his own statement, but in view of the presumption that this trouble had its origin in the service, and in view of the other disabilities of the applicant, the committee felt itself justified according to its usages in recommending a pension of \$30 a month.

Mr. McCLELLAN. He is otherwise disabled?

Mr. BAKER of Kansas. He is entirely disabled and is obliged to have an attendant a large part of the time. According to the custom adopted in our committee, if he required constantly an attendant and his disability could be distinctly traced to his military service to the satisfaction of the committee he would receive a pension of \$72 a month. There is some evidence going to show that his present condition is traceable to his military service, but it is not so specific as we have in many other cases.

Mr. McCLELLAN. What is the evidence showing that his present disabled condition is traceable to his military service?

Mr. BAKER of Kansas. The only evidence, as I have said, is his own statement and a presumption arising from the circumstances of the case.

Mr. McCLELLAN. Then, his own statement is the only evidence tending to show that his disability is of service origin?

Mr. BAKER of Kansas. That is the only statement that came to my knowledge in the case.

Mr. LOUD. Mr. Chairman, I wish to submit a few words; and I call attention to what we are asked to do here to-night in this very case. This unfortunate individual—or fortunate, perhaps, in view of some of the friends that he has on this floor who have carried his case thus far—never made an application for a pension until after the passage of the act of 1890. There can not be, I think, in the minds of any person any possible assumption that this man's present disability is the result of his service. The disease alleged was rheumatism; and now he has become blind. He does not himself even allege that his blindness is the result of his service. You are confronted, gentlemen, with this proposition: If you propose to pension at high rates every ex-soldier who is at the present time disabled, why not come forward like men and do justice and equity to all? Why pick out single individuals to receive special legislation in their favor? Why not do equity and justice in every case, and by general statute provide that every soldier who is at the present time disabled shall receive a pension of \$50 a month?

I have the reputation among some of my friends here of being perhaps a little factious on these questions; but I do propose, so far as lies in my power, to test the sense of the House in House assembled—by roll call if I have the power—upon cases of this character; and if the House on such a roll call will determine it to be its policy to grant pensions in these cases, I shall say amen, but not until that hour arrives.

The question being taken on the amendment proposed by the committee, there were on a division (called for by Mr. ERDMAN)—ayes 93, noes 3.

Mr. ERDMAN. No quorum.

The CHAIRMAN (having counted the House) announced 107 members present.

So (a quorum of the Committee of the Whole being present) the amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill as amended be laid aside to be reported favorably to the House?

Mr. MILES. Mr. Chairman, I believe this matter is now open for debate. I did not care to say anything while the amendment was pending; I wanted my remarks to be in order upon the merits of the bill. I wish simply to call the attention of the House to one fact in this case; if I am wrong I want to be corrected, because I have had difficulty in getting the consent of my own mind to stand up here and speak against the application of this old soldier. I sincerely say that in raising objection to this bill I am battling against my sympathies. This man is blind; he is old; he is helpless. I would like to help him. If we were sitting here as a board of charities I would vote him money, and vote it liberally. If we had a charitable fund upon which to draw I should be glad to vote him relief. But, gentlemen of the committee, we are here representing all classes of the American people, including all kinds of honest pension claimants and taxpayers, who have no claims to present.

There are thousands and thousands of worthy soldiers in this country who can not get a pension such as you propose to give this man, although they may go into the Pension Office and show just the condition that this man shows, and simply because they can not establish the fact that the disability was of service origin.

But, sir, that is not all that marks this case. Another precedent which you are establishing by forcing through a case of this kind is that a man may get the benefit of special pension legislation by simply coming before the Committee on Invalid Pensions and making a statement, unsupported by any testimony in the world, simply upon his own individual allegation, upon his own unsupported testimony and statements, unsustained by a medical expert, or by the testimony of a neighbor or friend, that his disease, in his opinion only—mark you, in his own opinion, gentlemen—is of service origin. His claim is not even that the disability is actually of service origin, but he simply alleges as his own opinion that such is the origin of it, unsupported absolutely by any other evidence or the testimony of any other human being, and yet in the face of all this you propose to vote this large pension to him.

Now, that is exactly the pending case. That is what you are doing if you pass this bill. I simply want to call your attention to the fact. I do not care to argue or debate the question. I want you to understand that there are gentlemen on the Invalid Pension Committee who, although they may represent Southern constituencies, constituencies in which there are now living people who served in the Federal Army, yet who propose to do full justice to them, and who can not get the consent of their own minds and consciences to present the cases of their constituents for pension claims of this character, with no more merit than is presented by the pending case. I content myself, therefore, Mr. Chairman, with uttering my sincere protest against the partiality as well as the illegality and inconsistency of the pending bill.

Mr. PICKLER. Mr. Chairman, there is no dispute as to the facts in this case. The gentleman from Maryland says that the claimant's statement is uncorroborated by further testimony. There is no dispute of one fact, that he bears a wound which he claims to be a bayonet wound in his arm or hand, and there is no dispute of the fact that he slept out in the cold and in the swamps, and served in the Army honorably.

Mr. MILES. You do not claim that his blindness originated from the wound in his hand? Besides that, he is being pensioned already for that wound at the rate of \$12 per month.

Mr. PICKLER (continuing). He is now blind—

Mr. MILES. You do not claim that that blindness is of service origin?

Mr. PICKLER. No; of course not. Because if it were he would get \$72 a month at the Pension Office. We are to consider these cases on the testimony presented to us. We must take into consideration the probabilities accompanying each case.

Now, my colleague, I think, is not exactly fair in his statement of the facts. There is no dispute, as I have said, as to the disability of the man. There is no dispute as to the total incapacity of this man to perform manual labor, and no dispute that he needs constant attendance. These facts are all unquestioned.

Now, \$30 a month would be the pension to a man who is incapacitated from the performance of manual labor. If he could bring proof that he was totally blind, and that the blindness was the result of his service, then he would get \$72 a month. I appeal to the committee, therefore, if as fair men, if as humane men, we can do less under the circumstances, where this man is totally unable to perform manual labor, where there is every reason to believe that the disability is of service origin, than to give him \$30 a month under the circumstances as we find them?

Mr. MILES. It is humanity, I concede. It is very humane. The question is, is it right?

Mr. PICKLER (continuing). And to ease the conscience of my colleague let me say that this report is the very same report which was made in the last Congress by a Democratic House on this very particular bill.

Mr. MILES. The last Congress was not the keeper of my conscience, thank God! [Laughter and applause.]

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HULICK. Mr. Chairman, I wish to be heard for a moment. [Cries of "Vote!" "Vote!"]

I intend to vote for this bill, and gentlemen can vote in a few moments; but there are some considerations that we ought to regard in considering this bill. There is very much force in the remarks of the gentleman from California [Mr. LOUD]. I take the floor, therefore, not for the purpose of speaking against the bill; not at all, but in favor of some of my own soldier constituents. I have one in my own mind at this moment, in my town, lying upon his bed, who can not turn himself over because of rheumatism. He has alleged and proved to the satisfaction of the Pension Commissioner that he was entitled to \$18 a month for the disability, which originated in the service, and continued to receive that until a few years ago, when, under the present administration of the Pension Office, he was cut down to \$12 a month under the act of 1890. I was advised a few days ago that he is lying upon his back, unable to turn over in bed. My advice to him is that he can not, under the present law, get over \$12 per month.

I have no doubt that the feeling in the Invalid Pensions Committee would be to grant that soldier an increase of pension equal to his disability, but you will find over 6,000 private bills already pending before Congress. On the day before yesterday I went to the Invalid Pensions Committee with bills from soldier constituents in my district, and was advised by my colleague from Ohio, who had charge of the bills that I presented to the committee, that the number of bills was so great that they could not expect to get through with them at this session, and for me to select two or three or four of the most meritorious cases and have them passed by the committee and reported favorably to the House, and that in that event there would be a possibility of getting only that number through at this session.

Now, this is what I want. I want this committee to report a bill in favor of all soldiers who are thus disabled, such as the one I refer to, and hundreds and thousands of others. I want them to report a bill which, instead of giving only \$12 a month under the law of 1890, will give these soldiers (all of them) such pensions as will compensate them for the disabilities under which they are now suffering, and not discriminate against other disabled soldiers by passing special acts for a small number of them.

Mr. PICKLER. That is just what we are going to do.

Mr. HULICK. That is right. Let the committee do that, and equal and exact justice will be done. When I present bills in favor of my constituents, in favor of the soldiers (who are thus disabled), I am told, "You can not get these bills through." Now, let us have a bill for the protection of other soldiers who are disabled equally with this one. Let us have a general bill, so that we can give to these men pensions sufficient for the disabilities under which they suffer. [Applause.]

Mr. ERDMAN. Before the gentleman takes his seat will he permit a question?

Mr. HULICK. Certainly.

Mr. ERDMAN. Is the gentleman in favor of so amending the general law that a person may obtain a pension upon his own sworn statement, uncorroborated by any other testimony?

Mr. HULICK. Any soldier who went out in defense of his country, swearing that he would defend it with his life, and can not obtain other evidence, then I will take his oath. [Applause.] The pensioner in this case testifies that the doctors who attended him immediately upon his return from the service are dead and he can not get the kind of evidence required by the Pension Office, and I think we should receive his own statement.

Mr. ERDMAN. I asked the gentleman a question which I wish he would please answer.

Mr. HULICK. Yes; I will do so.

Mr. ERDMAN. You are in favor of changing the general pension law so that a person upon his own sworn statement, without corroboration, shall be allowed a pension?

Mr. MILES. Provided he was a soldier, the gentleman from Ohio says.

Mr. HULICK. I am in favor of changing the law so that a soldier can get a pension for disability, on the very best testimony that he can present, and if he can not get any better testimony, I am willing to take his own sworn statement. I am not willing to see him deprived of his pension because, forsooth, he can not get other evidence except his own. A man who will fight for his country and become disabled by wound or disease ought to have the most liberal and favorable consideration when we come to grant him a pension. [Applause.]

The CHAIRMAN. The question is, Shall the bill as amended be laid aside with a favorable recommendation?

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

GEORGIANNA C. HALL.

The next business on the Private Calendar was the bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension allowed under the act of January 29, 1857, to Georgianna C. Hall, as the widow of William Hall, of Company B, Third Louisiana Volunteers, in the Mexican war, to a sum equivalent to the amount which she would be entitled to as dependent mother of her son, the late Maj. John W. Williams, deceased, surgeon of the United States Army, on whom she was dependent for subsistence.

Mr. CROWTHER. Mr. Chairman, is this bill reported from the Committee on Invalid Pensions?

A MEMBER. From the Committee on Pensions.

The Committee on Pensions recommended an amendment, as follows:

Strike out the words "a sum equivalent to the amount which she would be entitled to as dependent mother of her son, the late Maj. John W. Williams, deceased, surgeon of the United States Army, on whom she was dependent for subsistence," and insert in lieu thereof the words "\$12 per month."

Mr. LOUD. I should like to have the report read.

Mr. PICKLER. This is the widow of a Mexican soldier, and \$12 a month is all that is asked. Let it go through.

Mr. LOUD. I perhaps can judge just as well about this case after the report is read.

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

The Committee on Pensions, to whom was referred the bill (H. R. 4182) increasing the pension of Georgianna C. Hall, have considered the same, and respectfully report as follows:

The claimant is the widow of William Hall, who was a corporal in Company B, Third Louisiana Volunteer Infantry, and served from May 4, 1846, to August 14, 1846. She is now in receipt of a pension at \$8 per month, under the Mexican war service pension act of January 29, 1857. At the time of the granting of said pension by the Pension Office Mrs. Hall proved that she was dependent for support upon her son (by a former marriage), John W. Williams, major and surgeon, United States Army. This son has since died, leaving a widow who receives the pension due on account of his service and death.

Mrs. Hall is now about 75 years old and so much affected by rheumatism as to be unable to do any work for a livelihood. She has no property of any kind and no income aside from the small pension, which is insufficient to supply the necessities of life, and she has to depend upon a widowed daughter for assistance. This daughter is poor and has to depend upon her labor for support.

The facts are established by the testimony of Thomas A. Mitchell, George H. Baldwin, W. O. Dennison, and other reputable citizens of Washington, D. C.

Mrs. Hall, besides being the widow of a Mexican war soldier, lost a son in the service of his country. She is now old and needy, and an increase of her pension is absolutely necessary to her comfortable support.

Your committee therefore recommend the passage of the bill with an amendment striking out all after the word "to," in line 8, and substituting therefor the words "\$12 per month."

Mr. LOUD. I should like to ask what the incentive is to increase the pension of this widow? She is entitled to \$8 a month, I understand, under the law. Why should an exception be made in this case? Nobody seems to know, Mr. Chairman, but I will read in the report a very strong appeal made to this House to grant this extraordinary pension:

She is now old and needy and an increase of her pension is absolutely necessary to her comfortable support.

Now, I desire to congratulate the Committee on Pensions on their extreme liberality here in assuming that \$12 a month is going to comfortably support this old lady. Of course I understand that I am simply getting in the way of the wheels of progress here, as you term it, but I do desire to call the attention of my Republican friends to the condition which you are presenting to us night after night. While many of you, during the term that Mr. Cleveland was President before, condemned him and raised up a condemnation throughout the country because of his vetoing of pensions, let me say to you as a party, if he uses discretion in the vetoing of the pension bills passed by this Congress he will receive the applause of nine-tenths of the people of this whole country. [Cries of "No!" "No!" on the Republican side.]

Well, Mr. Chairman, I discovered long ago that if there is any one thing the American people love better than another it is absolute justice, equity, and fairness to everybody. You are here picking out a few individual cases and increasing their pensions, and I say if President Cleveland uses due discretion in the vetoing of pension cases that have passed this Congress and are to pass hereafter, that he will receive the applause of the people of this country because he has acted in the line of justice and equity, and I believe I am as good a judge of that as anybody here.

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

Mr. LOUD. Certainly.

Mr. LOUDENSLAGER. I would like to ask the gentleman from California if he has ever advocated the passage of a special pension bill?

Mr. LOUD. If I have ever?

Mr. LOUDENSLAGER. Yes, sir.

Mr. LOUD. I can not remember that I have. [Laughter.]

Mr. LOUDENSLAGER. That is all.

Mr. LOUD. I do not think that that question has much pertinency to this case. Everybody who has a case on the Calendar is the strongest advocate of any pension bill that comes up, because he has a case behind it on the Calendar.

The CHAIRMAN. The question is on the amendment. [Cries of "Vote!"]

Mr. LOUD. Gentlemen will permit me to conclude before they get a vote.

The CHAIRMAN. The Chair understood the gentleman had concluded his remarks, and rose simply to answer the question of the gentleman from New Jersey.

Mr. LOUD. I have not been down yet; and I will say to the House, if gentlemen will let me alone I will get through a great deal quicker. I only rose for the purpose of calling the attention of this House to the strength of the report before the House, and that is all there is in it—

That she is now old and needy and an increase of her pension is absolutely necessary to her comfortable support.

That is the only argument that you give us, and that is the only argument, of course, that you have. Why, I do not suppose there is a member of this House who is not appealed to every time he goes into the corridor by a widow of some officer of the Regular Army who pleads her case that the pension of \$25 or \$30 a month now allowed her by law is not sufficient to maintain her in the station of life in which she has been accustomed to live. That is the one argument that appeals to you, gentlemen, in many cases that you will bring up hereafter. It is the only argument that should appeal to you in this case.

Now, let me express to you an honest sentiment of mine—you need not accept it as yours, but it is mine—that the policy pursued in this country for the last few years, and being pursued here to an extreme, has done more to debauch the American people than all the acts of Congress that have transpired in a hundred years before it. Let me say to you that we are appealed to upon every side for pensions, for every person who is now in the Government service; not alone soldiers, but every person now in the Government service. It is a logical result of the condition you have brought about. You have encouraged the people of this country to believe that the Government must support them.

Mr. MILES. Will the gentleman allow me to interrupt him there?

Mr. LOUD. Certainly.

Mr. MILES. I just simply wanted to congratulate the gentleman that he is making that statement here, and is not making it in Edinburgh, or Boston, England. He is, therefore, in no danger of censure.

Mr. LOUD. Oh, well, of course gentlemen understand that while a member is subject to criticism, he is not amenable for any statement he may make in debate anywhere except in the House.

Mr. MILES. And the gentleman from Massachusetts is not present, either.

Mr. LOUD. A member of the House is not responsible to anybody but his constituents. I am speaking to you gentlemen my honest thoughts. You have all seen it; it is not on this alone, not on the bill for the pensioning of widows and soldiers, but on every hand you are building up and increasing a sentiment in this country that this is a paternal Government. If any person has by reason of position done any service, even if he may have been well paid for it, not alone are you bound to support him during his own natural life, but to pension his widow and his children. Now, consider this condition, gentlemen, and is it advisable to encourage it further?

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY ANN TRACY.

The next business on the Private Calendar was the bill (H. R. 152) granting a pension to Mary Ann Tracy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Tracy, as daughter of David Tracy, late lieutenant in the Thirty-seventh Regiment United States Volunteers in the war of 1812.

Mr. BAKER of New Hampshire. Let us have the report read, Mr. Chairman.

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

The Committee on Pensions, to whom was referred the bill (H. R. 152) granting a pension to Mary Ann Tracy, have considered the same, and report: The facts in this case are fully shown in a petition numerously signed by prominent citizens of Norwich, Conn., which petition is annexed.

The facts are also shown by the affidavits of the claimant and of Hannah A. Beckwith, Fannie I. Miner, and Thomas I. Ridgway, citizens of Norwich, Conn.

There are several precedents for the legislation prayed for, and in view of age, disabilities, and necessities of the claimant, your committee return the

bill with the recommendation that it do pass, amended, however, by adding, after the word "twelve," in line 8, the words "and allow her a pension rated at \$12 per month."

Mr. BAKER of New Hampshire. Now, Mr. Chairman, I submit that that report is no such report as this House is entitled to receive from this committee. It refers to documents in their possession for the reasons why they report the bill without stating them; to petitions which are on file without stating the purpose or purport of the petitions.

Mr. MILES. Mr. Chairman—

Mr. RUSSELL of Connecticut. If the gentleman will allow me.

Mr. BAKER of New Hampshire. I yield to the gentleman from Connecticut.

Mr. RUSSELL of Connecticut. Accompanying the report, which the Clerk did not read, there is a full copy of the petition and some other statements in reference to this case. The committee adopted as theirs a report which was made by the Committee on Pensions in a former Congress. If the gentleman wishes, the Clerk may read the balance of the report, or I will briefly state the case as it is stated in the balance of the report which has not been read.

Mr. BAKER of New Hampshire. Let us have it.

Mr. MILES. It seems to me that this House and this Committee of the Whole might just as well receive the statement of one of the members of the Invalid Pensions Committee, unsupported by any other evidence, as to receive the unsupported statement of an applicant for a pension. We do not seem to require any evidence of any kind in order to justify the passage of a special bill. Most of the members of the Invalid Pensions Committee are comrades, old soldiers—

Mr. RUSSELL of Connecticut. This is a report from the Committee on Pensions. It proposes to grant a pension to the daughter of a soldier of the war of 1812, a man who gave something more than two years of service. The beneficiary under this bill, who never married, is the only remaining child of the soldier. She is now 80 years old and dependent. The evidence shows that the soldier, upon his death, left a family consisting of a widow and this daughter without any means of support. The daughter by her own labor supported the mother until the mother's decease, and since then the daughter has gained support by such manual labor as she was able to perform and by the public charity of the citizens of Norwich. All of this is set forth in the part of the report which has not been read.

Mr. BAKER of New Hampshire. Was the widow of the soldier pensioned?

Mr. RUSSELL of Connecticut. The widow of the soldier was not pensioned. This is the first application they have made for a pension.

Mr. BAKER of New Hampshire. It was her own fault that she was not pensioned if the service of the soldier was for the period stated by the gentleman. However, Mr. Chairman, my particular object in rising was not so much to oppose this bill as to criticize the report. I had to rise and ask for a statement from a member of the committee in order to get any kind of basis of information upon which to vote in this case, and now the question comes up, how far are we to continue this pension list? Here we go to a daughter of the soldier. How long will it be before we go to a granddaughter? The gentleman should remember that, although there are only a trifle over 100 of the pensioners of the war of 1812 now surviving, there are nearly 4,000 widows pensioned on account of that war. Are we to begin now to pension the daughters, and then go the granddaughters?

Mr. PICKLER. Yes; if necessary.

Mr. BAKER of New Hampshire. It seems to be a question how far this pension business is to run. I hear gentlemen say, "Yes; if necessary." I hear a great many cries around me upon which gentlemen in their earnest, sober senses would not go before the people, for the time must soon come when we shall halt somewhere and somehow in this pension business.

Mr. RUSSELL of Connecticut. I will say to the gentleman that this is not the first by any means of the pensioning of the daughter of a soldier of the war of 1812, as is stated in the report. I will also remind him that the beneficiary of this bill never married, and is now a feeble, dependent old woman of 80 years of age, so that in this case there is not very much prospect of a granddaughter coming before Congress for a pension. [Laughter.]

Mr. BAKER of New Hampshire. The gentleman may be familiar with that question. I do not know how that may be, but I presume there are granddaughters of soldiers of the war of 1812, and very many of them.

Mr. SULLOWAY. I would like to ask my colleague [Mr. BAKER] if he would be willing to go before the people of New Hampshire on the basis of what he has been saying this evening?

Mr. BAKER of New Hampshire. I would; not only on this subject, but in relation to pensioning the remarried widows of soldiers. The people of New Hampshire wish every old soldier, and every old soldier's widow who was married to the soldier within

any reasonable time, to be pensioned and cared for; but they do not propose to carry it to every line of consanguinity that can be discovered and to follow these soldiers' widows through their various and devious marriages and finally put them back on the pension roll.

Mr. SULLOWAY. I want to say to the gentleman that no man who has lived in New Hampshire for the last twenty-five years occupies any such position as he does. During all that time he has been a resident of the District of Columbia, which accounts for his position. [Laughter.]

Mr. BAKER of New Hampshire. Mr. Chairman, upon that point I wish to say that my colleague has stated that which he does not believe and that which he never can and never will prove.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the gentleman from New Hampshire to some facts which seem to indicate that he has recently undergone a change of opinion. I undertake to say that he ought not to condemn the House for doing that which he is himself constantly urging it to do. I find in one single number of the Index, covering only a period of fifteen or twenty days, that the gentleman himself has introduced the following private bills:

A bill for the relief of Francis L. Abbot; a bill for the relief of Francis A. Beater; a bill for the relief of Isaac W. Busey; a bill for the relief of John Ericsson; a bill to pension Annie M. Greene; a bill to increase the pension of Henrietta A. Lewis; a bill for the relief of James R. D. and William Morrison; a bill to remove the charge of desertion against Mason W. Presbry; a bill for the relief of William H. Quinn, and a bill to pension Emily M. Shaw.

A MEMBER. Oh, pshaw! [Laughter.]

Mr. HEPBURN. I believe that is all, but that is doing pretty well for seventeen days. [Laughter.]

Mr. BAKER of New Hampshire. Mr. Chairman, I am much obliged to the gentleman from Iowa for calling attention publicly to my activity in matters before the House, and I wish to say that nearly every one of those bills was introduced by me on my own motion and not by request. The parties in all but two of the cases he has mentioned I know of my own knowledge are entitled to relief at the hands of this House. They are genuine, true people, entitled to the money which they ask, for services actually rendered, and the Government stands indebted to them to-night, and has stood indebted to them for years, and it is a disgrace to the Government as a debtor that it has not paid them long ago. [Laughter.]

The amendment recommended by the committee was adopted.

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

ELIZABETH DESHLER WHITING.

The next business on the Calendar was the bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, United States Marine Corps, and pay her a pension of \$25 per month from and after the passage of this act; and this pension shall be in lieu of that which she is now receiving.

Mr. DANIELS. Mr. Chairman, the lady whose pension this bill proposes to increase is the widow of a lieutenant in the naval service. In the discharge of his duties to the Government he was sent South, where his health was so seriously undermined as to render it necessary that he return to a northern climate. Soon after his return to the North he contracted a cold, which developed into pneumonia, and in a few days he died, leaving a widow and two children. His widow, now receiving a pension of \$17 a month, has applied for an increase of the pension. A bill to grant her an increase was before the House in December of 1894, and was then passed, granting her a pension of \$30 a month; but it was near the close of the session when the bill went to the Senate and it received no attention there—was not reported by the committee.

An application was made at this session to the House committee to pass a bill giving her the same increase which was proposed in the bill of the last Congress; but the committee has seen fit to report a bill granting a pension of only \$25 a month in lieu of the pension of \$17 a month which she is now receiving under the general law.

The evidence before the committee showed that this widow is entirely dependent upon her own exertions, with the exception of a small amount realized from the life-insurance policy of her deceased husband; that she has become deaf and unable to support herself by manual labor, so that she is wholly dependent upon the assistance which may be afforded her by the Government in the form of a pension. The amount of increase proposed by the bill is only \$8 a month. The case is entirely meritorious, and I trust there will be no opposition on the part of the committee to granting to this widow the additional amount provided in the bill. It was hoped that a larger sum would be given; but, as I

have said, the Pension Committee has seen fit to limit the pension to \$25 a month—an amount which certainly is barely sufficient to enable her, with two children dependent upon her, to secure even the necessaries of life.

Mr. CONNOLLY. Will the gentleman state whether \$17 a month is not the rate of pension allowed by the general law to lieutenants and the widows of lieutenants who served in the war of the rebellion?

Mr. DANIELS. I can not answer the gentleman.

Mr. CONNOLLY. I think it is.

Mr. DANIELS. That is the amount allowed to this widow by the Pension Bureau.

Mr. CONNOLLY. That is the amount, I understand, fixed by the general law—\$17 a month for a lieutenant or a lieutenant's widow. Now, what reason is there that this widow should receive more pension than the widow of any other lieutenant who served during the war of the rebellion?

Mr. DANIELS. I do not think that she is to receive more. She is entirely dependent upon her own exertions. In view of the disability that has come upon her, the loss of hearing, she is certainly in a sad condition to provide for herself and her family.

Mr. HULL. Are her children young?

Mr. DANIELS. They are under 16 years of age.

Mr. HULL. Then for each of them she receives \$2 a month.

Mr. DANIELS. But that pension will be extinguished when they reach the age of 16.

Mr. HULL. Is it not true that under the general law this widow would receive but \$17 a month, and that the law pensions no widow on account of her disability?

Mr. DANIELS. I think not.

Mr. HULL. A widow is pensioned on account of the service of her husband.

Mr. DANIELS. And also on account of her own disability.

Mr. HULL. I have in my district two widows of lieutenants who are receiving \$17 a month; they think they can not live on that, and want more, but I have told them I believe they ought to stand with all others of the same class.

Mr. DANIELS. They are probably not disabled, as this widow is. During the last session of Congress there was apparently no objection to allowing this widow a pension of \$30 a month.

Mr. TALBERT. Why has she never applied to the Pension Bureau for the increase of her pension?

Mr. DANIELS. I will say to the gentleman from South Carolina that she can not receive any more there. This bill proposes simply to give her \$8 a month more than she now receives.

Mr. TALBERT. She would not be allowed the increase at the Pension Bureau?

Mr. DANIELS. No, sir. As I was about to state, when a bill covering this same case was up at the last session—the 1st or 2d day of March, 1895—there was substantially no objection raised to giving this widow a pension at the rate of \$30 a month, but at the present session when the committee came to review the facts and circumstances they agreed to increase the pension to only \$25 a month, and that is all she is at present asking at the hands of the House.

Mr. LOUD. I would like to ask the gentleman from New York a question. I know the gentleman to be absolutely fair, and desires to be absolutely just in all cases. I will give the gentleman full credit for that, and think we all do so. I would like to ask him if he does not think that this is establishing a dangerous precedent?

Mr. DANIELS. I should think not. I should say to the gentleman from California that it is not a dangerous precedent. It is a precedent that seems to me to be justified and more than justified by the circumstances in the case.

Mr. LOUD. Well, the circumstances of the case must be her own condition, and if that rule is to be applied to everybody, why should it not be equitably applied, and equally applied, to every other woman in the country?

Mr. DANIELS. To every woman throughout the country who is similarly situated I should say yes, it should be applied. But this is a peculiar case. It is a case of singular hardship on account, in the first place, of the loss of her husband by death, and then the loss of her own hearing subsequently.

Mr. LOUD. Did he die a natural death?

Mr. DANIELS. He died from the effects of his service. I have substantially stated the case, Mr. Chairman, as it was established by the proofs before the committee. They have reported in favor of the allowance of this amount, as the former committee did in favor of the allowance of \$30 per month. It seems to me, in my judgment, to be an extremely meritorious case. I trust that there will be no serious difficulty or objection on the part of the committee in sustaining the claim of this pensioner.

Mr. LOUD. I would like to ask the gentleman another question, with his consent. The gentleman is a good lawyer and understands his duty as a member of this body. I would like to ask him if he believes that under his obligation as a Representa-

tive on this floor he has any legal right, any legitimate or just right, to be generous with the money of the people of the United States?

Mr. DANIELS. I do not consider this to be a matter of mere generosity. I consider it a case that appeals to the justice of the committee.

Mr. LOUD. Well, surely, if it appeals to the justice of the House, the relief ought to be furnished under the general law.

Mr. DANIELS. The law seems to be deficient in this respect, and the Pension Office can not allow her a pension under the law. They can not allow her even a fair measure of compensation for the purpose of meeting her necessities.

Mr. HULL. Mr. Chairman, I desire to say a word on this question. I believe that all who have served with me on this floor will bear me out in the statement that I have always favored liberal pensions in all cases.

But, Mr. Chairman, I feel, in justice to my position, that I must draw the line in these cases between pensioning a soldier for disability and pensioning a widow for disability. We have a very large number of widows in this country who are poor and dependent; they need help, for they have no means of subsistence excepting their own labor and the pittance they receive from the Government, whatever it may be. Whenever a private soldier dies from the effects of his service, his widow can get a pension of \$12 a month under the general law; whereas if the soldier dies from any cause and the death could not be traced directly to the service, these widows get but \$8 a month, and that is all they can get under the law.

Here is a widow whose husband was an officer in the Army and who draws a pension of \$17 a month, or a little more than twice as much as the widow of a man—a private soldier—unless his death can be traced directly to the service. I concede that \$17 a month is not a luxurious living. But I concede that \$8 a month is still less luxurious living; and if we are to pension the widows of certain grades of officers in the Army, we should pass a general law to enable every widow of every lieutenant who died from wounds or injuries received in the service, whose death was traceable to the service, to draw this pension of \$25 a month.

But this committee can not go into the question of the disabilities of widows and pension them. If they do that they can run the pensions up to \$72 a month. What I wish to say in this connection is, that whenever the Committee on Invalid Pensions reports in favor of pensioning the soldier himself I have always been found in favor of it and voting for it. I have always been liberal in my views of pensions. I would rather give ten men pensions that are not entitled to it than to deprive one honorable soldier of a pension who is entitled to it. But when it comes to pensioning the widows I want a rule that we can stand by in all places.

And I want to say to the committee here and now while I am on my feet that when we find ourselves in this Committee of the Whole with bills coming before us pensioning the widows of distinguished men who died, not in the service, granting pensions ranging from \$75 to \$100 or \$150 a month, men who were not connected with the Army in any way in twenty-five years, I shall vote against them and I shall take occasion to speak against them every time. [Applause.]

And I want to say I do it in the interest of my comrades. I believe in doing justice to them, but I do not believe in going out all over the country and taking cases where men have died while happening to hold high office, or immediately after going out of office, and placing their widows above those of all of our comrades, and giving them pensions that will enable them to live in luxury while the widows of our comrades are living in poverty and distress. [Applause.] I do not want to be understood in the mind of any man as not being willing to do absolute justice to all these classes, but I do want to enter my protest, and back it by my vote, against entering upon any system that will pension widows on account of their disabilities, or on any account except because they are widows of soldiers, and then in each case give the widow the pension that the law provides.

Mr. DANIELS. Mr. Chairman, I may say in answer to what the gentleman has just said that there is no danger, certainly, of this widow living in luxury upon a pension of \$25 a month. It is to be remembered that she has two children who are now receiving \$2 each per month. That will cease when they are 16 years of age. She has to educate and clothe these children as well as herself. They are dependent upon her for a respectable training for their future lives, and unless the Government is willing to do something to aid and assist her promoting these objects, which she of her own ability is entirely unable to promote, then of course no person can say what will be the history, or what may be the lamentable consequences to these unfortunate children, as well as to this unfortunate widow, who has been thus left in early life by the premature death of this lieutenant in the service.

Mr. BLUE. Mr. Chairman, I have not cast my vote in Committee of the Whole at any time in opposition to any pension. Neither do I want to; but it has seemed to me that this is estab-

lishing a very dangerous precedent, and I do not believe this bill should be voted on to-night. I think by common consent it ought to be allowed to go over, and we ought to give it the consideration it deserves. I agree with the gentleman from Iowa [Mr. HULL]. Now, the fact in this case is that we are asked here in this special instance to pension the widow of a soldier at \$25 a month when there is no different reason in her case from what might be given with equal force in thousands of other cases.

This special pension legislation should be addressed to special cases, where the proof is incomplete and can not be made complete, so that the committee, having considered all the facts, are willing in those instances to apply the equities because they are just and right; but those are special cases that can be reached in no other way, and the particular province of this special legislation ought to be confined to that kind of relief. There are hundreds of meritorious cases before this Pension Committee, and I venture the prediction that, if we continue this kind of policy, when this session adjourns there will be thousands of special cases that would come under special provisions which will not be touched, and there will be case after case of this character that never ought to pass this House under these conditions.

As has been said here, we are not sitting in this Committee of the Whole for the purpose of offering charitable relief to special cases of this character. After listening to the learned gentleman from New York [Mr. DANIELS], the substance of his claim is that this widow needs money. I should be glad to give it to her, so far as I am concerned. I am willing to go to the extent of voting for the enlargement of all the pensions of widows in this great country; but this is a bad, pernicious example. This case ought not to be passed upon until we have considered it to such an extent that we have made up our minds that we will follow that precedent.

Mr. Chairman, I ask unanimous consent that that bill may be passed for the present, so that we may have an opportunity to consider it until the next session, and that it be not forced upon us at this time. I do not want to vote against it. I do not say that I will, but I think the committee ought to have time to consider this fully before they undertake to establish this precedent.

Mr. GIBSON. Move to recommit it.

The CHAIRMAN. Unanimous consent is asked—

Mr. BLUE. Mr. Chairman, it has been suggested to me, and I will make the motion, that this bill be recommitted to the committee for further consideration and report.

The CHAIRMAN. The Chair can not entertain that motion in Committee of the Whole.

Mr. HULL. We can make that recommendation.

Mr. BLUE. Would it not be in order to move that the committee report it back to the House with the recommendation that it be recommitted?

The CHAIRMAN. That motion would be in order.

Mr. BLUE. That is what I intended to move.

Mr. DANIELS. Certainly this is a very ungenerous and illiberal view to take of this bill, which was passed by the last Congress without any substantial objection at the rate of \$30 a month. If a Democratic Congress can be actuated by sentiments of justice and fairness to that extent, I see no reason why this committee should withhold the application of the same principle.

The bill was ordered to be reported back to the House with the recommendation that it be recommitted to the Committee on Pensions.

JOHN DALTON.

The next business on the Private Calendar was the bill (H. R. 3221) granting a pension to John Dalton.

The bill was read, as follows:

Be it enacted, etc., That the name of John Dalton, of Lamar, Mo., who was employed as a teamster in the Quartermaster-General's Department during the war of the rebellion, and who, while serving as such in the line of his duty, was wounded in the left thigh by a musket ball at and during the battle of Marks Mill, Ark., on the 23d day of April, 1864, and who filed his application for pension on account thereof on the 25th day of August, 1873, be inscribed upon the pension rolls of the United States, subject to the restrictions and limitations of the general pension laws, with the same title to pension as if he had been duly enlisted, mustered into, and discharged from the military service of the United States.

Mr. CROWTHER. Mr. Chairman, I ask that the Clerk read the report, and after the report shall have been read I will offer an amendment in lieu of the committee amendment.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3221) granting a pension to John Dalton, submit the following report:

John Dalton was employed as a teamster in the Quartermaster-General's Department at St. Louis, Mo., March 7, 1864, and was sent from St. Louis to the barracks at Little Rock, Ark. He was a teamster in the ammunition train of General Steel in his expedition through Arkansas, and was sent with other teamsters from Washington, Ark., to Pine Bluff, Ark., for supplies, and while on the way, at Marks Mill, Ark., on the 23d day of April, 1864, the command was attacked by Confederate troops, the engagement being known as the battle of Marks Mill, Colonel Drake commanding the Union forces. During the battle John Dalton, while in the discharge of his duties as teamster, was wounded in the left thigh by a musket ball.

He was taken prisoner and afterwards paroled and sent to the hospital at Pine Bluff, Ark. He was then transferred to the hospital at Little Rock, Ark., and subsequently discharged from duty. He made application for pension to

the Department, and his claim was rejected because he was not an enlisted man. His parole is on file at the Pension Office, and the records of the Quartermaster-General's Office show his employment as a teamster from June 1 to October 31, 1863, and from March 1 to May 31, 1864. The report of the Surgeon-General shows his admission to the hospital at Little Rock and his treatment there for gunshot wound. The evidence also shows that the musket ball has never been removed from his thigh, and his leg is so badly disabled by reason thereof that he is unable to perform manual labor.

The committee therefore report the bill back with the following amendments, to wit:

Strike out all the words between the word "sixty-four," in the ninth line, and the words "be inscribed," in the eleventh line of said bill; and strike out all after the words "general pension laws," in the thirteenth line, and insert after said words in the thirteenth line the words "at \$12 per month."

The committee recommend that the bill when so amended do pass.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

After the word "that," in line 3 of the amended bill, insert the words "the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls of the United States"; also, beginning in line 9, strike out all the words after "sixty-four" and insert "at the rate of \$12 per month."

Mr. PICKLER. Vote.

Mr. McCLELLAN. May I ask the gentleman from Missouri a question?

Mr. CROWTHER. Certainly.

Mr. McCLELLAN. This is an exceedingly meritorious case, and when my friend reports a case it is exceedingly meritorious.

Mr. CROWTHER. Thank you.

Mr. McCLELLAN. Why should not this man, who was a contract employee, I grant, but who stood up and fought like a man in defense of the United States property, be granted a pension according to the injuries he received, which would give him a larger pension than \$12 a month?

Mr. CROWTHER. Inasmuch as the applicant applied under the law of 1890 for a pension and his application was rejected at the Pension Bureau for the reason that he was not an enlisted man and that he was willing to abide by that, the subcommittee thought it only proper to go as far as the applicant desired to go, and so reported.

Mr. McCLELLAN. Does not the gentleman think that it would be justice to this man, who stood up and fought like a man, to be placed on the pension rolls at the rate his injuries would entitle him to?

Mr. CROWTHER. The subcommittee investigated it in the light of justice, recommended this amount in the light of justice, and ask this committee to pass the bill as reported, with the amendment that I have just offered, so as to conform with the general run of pension cases that we are passing.

Mr. MILES. Mr. Chairman, I simply want again to call attention to the fact that this House in its pension legislation acts like a board of charities, except that it has no well-regulated rules and is never consistent. This man, according to the report which my friend makes, is disabled and has a musket ball which he received in the service still in his thigh, and that disables him, and yet this Committee of the Whole having voted \$30 a month this very night to a man who could not trace his disease to service origin, and who can not prove his case by any living witness except himself, proposes to put this soldier, because, forsooth, he was only a humble teamster, upon the pension list at \$12 a month. We will not be consistent. I made the effort here last Friday night, and I make it again, to have this House legislate in a consistent way. I care not so much about the character of this pension legislation in any other respect as I do about its inconsistency.

I did not seek, Mr. Chairman, an assignment to the Committee on Invalid Pensions. I curse the day I received that assignment, all the more, Mr. Chairman, because I find myself utterly unable to preserve for myself the appearance of consistency before the country. Because when I stand up here and appeal to this House I find members, even the chairman of the committee, ready to cry "Vote!" "Vote!" when my effort is not to reach his ears, not to reach the ears of the other side of this House, who do not seem to want to be consistent, but my effort is to reach the people of this country, the taxpayers of this country, and that large class of people, of which I am one, born, or arriving at the age of manhood since the war, a body composing the majority of the American people, and a majority of the tax-paying people of this country.

Now, Mr. Chairman, I want to say here that I am not fighting this pension claim. I shall vote for it, and vote for it cheerfully. The only objection I make to it is that when I vote for it at \$12 a month I am not putting myself in a proper attitude before this country, because, it appears, not having a yea-and-nay vote on the bill passed a while ago granting a pension at \$30 a month, that perhaps, unless I am permitted to make this statement, it should go to the country that, as a member of the Invalid Pensions Committee of this House, I favored a pension claim of \$30 a month that was not half so meritorious as this one.

Mr. PICKLER. Mr. Chairman, it is evident that the gentleman has been born since the war. [Laughter.] No man who

was in the Army and knows anything about soldiers and teamsters would make such a statement as the gentleman from Maryland has when he compares a teamster, hired by the month, who could quit when he pleased, and quit the Army, with a man who enlisted and who had to go into battle. The teamster did not have to go into battle if he did not want to, and he incurred no danger.

Mr. MILES. But this man did go into battle.

Mr. PICKLER. I do not yield. I refuse to yield. When the gentleman compares a teamster to a soldier and gets up here and prates about putting a man who never was enlisted on the pension roll on an equality with the enlisted soldier it shows that he was born since the war. [Applause.]

Now, Mr. Chairman, this is entirely consistent. A teamster is doing well if he gets on the pension roll at all, and no teamster and no man who is not an enlisted man, does get on the pension roll unless he was wounded in the Army. This man was shot. He got a little more of it than most of the teamsters got. He was shot, and was in the hospital, and the committee concluded that, as he was at the front and was wounded, even though he was a teamster and not an enlisted man, and therefore had been refused a pension by the Pension Office, he ought to be pensioned at the rate of \$12 a month. It is a fair and liberal pension, and any non-enlisted man is doing extremely well to get such a pension; and therefore I beg that the gentleman from Maryland will not say that there is any inconsistency in pensioning at \$30 a month a real soldier, an enlisted man who was wounded, and then get up and shed crocodile tears over the case of a teamster. [Applause.]

Mr. MILES. Mr. Chairman, I think the gentleman has unduly criticised my remarks. I am a very earnest man, and speak earnestly. I do not claim to be a military man, but I have the facts staring me in the face, from the report, that this man bears something in his person which even the chairman of the Committee on Invalid Pensions, an ex-soldier, does not bear, a bullet in his thigh, received in the service of his country. I want to say further that I am no military anarchist. I have never, either in the Committee on Invalid Pensions or on this floor, advocated the payment of the same pensions to plain and simple soldiers that I would pay to men of high rank in the service of their country.

Mr. PICKLER. That is where the gentleman is wrong.

Mr. MILES. I never advocated that; but the gentleman from South Dakota did advocate that until to-night, and I think his change is another illustration that the "galled jade winces," for when his inconsistencies are pointed out he goes back upon his former record, and then stands up here and tries to put me in a false position.

Mr. PICKLER. What former record have I gone back on?

Mr. MILES. You have always protested against paying proper pensions to generals or the widows of generals who had rendered distinguished services to their country, on the ground that it took away pensions from the common soldiers.

Mr. PICKLER. Yes; that is right. I have protested in the Invalid Pensions Committee and elsewhere against paying undue pensions to generals and their widows, and I expect to protest against it. [Applause.] But the gentleman from Maryland, I think, always votes for the highest pension for the general or the widow of a general. I am in favor of doing fairly by them; but I am not in favor of giving them three or four times as much pension proportionately as I would give to a private soldier. That is my position in the Invalid Pensions Committee and on this floor.

Mr. MILES. That is all right. I recognize rank in the military service just as I do in the civil service. We work on that principle in the civil service, and I recognize it in the military service. We are not discussing that question now.

Now, Mr. Chairman, I did not want to get into a colloquy with my friend the chairman of the Invalid Pensions Committee.

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

Mr. MILES. Yes, sir.

Mr. HICKS. What is the gentleman's objection to the bill under consideration?

Mr. MILES. I have no objection to it. I think I stated a while ago that I rose for the purpose of advocating it.

Mr. HICKS. Then, Mr. Chairman, I call the gentleman to order. He is out of order if he is not talking to the question before the committee.

Mr. MILES. Very well; I will see whether I am out of order. [Laughter.]

The CHAIRMAN. The gentleman from Maryland is entitled to the floor and is entitled to proceed without interruption.

Mr. MILES. So my friend from Pennsylvania is out of order himself, and will please take his seat until I get through. [Laughter.]

Mr. HICKS. Will the gentleman allow me another question?

Mr. MILES. No, sir; I will not, because you rose a while ago ostensibly for the purpose of asking me a question, but really with a view of calling me to order.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor.

Mr. MILES. Now, Mr. Chairman, I simply want to emphasize this point again. It does not make any difference to me whether it finds a lodging place in the minds of gentlemen over there or not. I am not talking to you, gentlemen; I am talking to the country. [Jeers and laughter.] That is it! Jeer and laugh! That is your privilege, and it seems to be your highest ideal of a legislator to jeer and laugh when a man has the floor on this side. Go on; I do not care anything about that.

A MEMBER. It depends on the style of man.

Mr. MILES. That is a very polite remark! I would like to know from what State it comes. I know the manner of man, but I should like to know what section of the country produces such a man.

Now, Mr. Chairman, I did not get up to object to this bill of my friend from Missouri [Mr. CROWTHER], my colleague on the committee. I did rise, as I said, for the purpose of reaching the ear of the country. Gentlemen may jeer at that remark just as much as they please, but I want again to call the attention of the people of this country to the fact that this Invalid Pensions Committee and this House, sitting as a Committee of the Whole, and this Congress have no well-regulated rule. My friend sitting behind me bears me out in the statement that in these pension cases we are governed by no rule of conduct whatever.

Mr. BURTON of Missouri. Mr. Chairman, this man lives in my district, and I introduced this bill. He was a teamster, and, as this report states, was wounded. Under the law of 1862 he would have been entitled to a pension if he could have proved up his case prior to the 1st day of January, 1874. He made application under the law in 1873; but owing to his inability to obtain certain testimony he was not able to complete his claim, and it was subsequently rejected for the reason that he was not an enlisted man. I went to the Pension Office; I sat down by the table of the Commissioner of Pensions, and, with the aid of his private secretary, went through this man's record. And then and there, in the presence of the Commissioner, his private secretary made the remark: "That man ought to have had his pension, and it ought to date back to 1873, when he made his application."

I drew this bill upon that theory. But I am not here to make any exaggerated claims for teamsters. I do not claim that this teamster was any better than any other teamster; neither am I willing to admit that he was any worse. I am not here to demand that he shall have a pension dating back to the time of his application. Great God! I am willing to get anything for him. The man will die and be buried without receiving anything, unless we act promptly. Therefore, without questioning any man's motives, I am willing to take what the committee is willing to let him have.

Mr. ERDMAN. Mr. Chairman, I was disposed very favorably toward this bill, but the remarks of the gentleman who has just taken his seat have raised a very serious doubt in my mind. [Laughter.]

Mr. BURTON of Missouri. Why, my friend, what have I said? Mr. ERDMAN. I will tell you what you have said. You have said that this man, under the general law, made an application and was for some reason which you have not stated rejected; and that does not appear in this report.

Mr. BURTON of Missouri. You did not hear me, my friend. I said that the man was not able to complete his proof by the 1st of January, 1874.

Mr. MILES. Will the gentleman allow me to make a suggestion in favor of this applicant? Was not the reason of the rejection the fact that he was not an enlisted man?

Mr. BURTON of Missouri. The 1st of January, 1874, having gone by, his application was rejected because he was not an enlisted man.

Mr. MILES. I simply wanted to make a suggestion—although, in the estimation of certain ironical gentlemen on the other side, it seems to depend altogether upon what source the suggestion comes from as to whether it has any value—I wanted to make a suggestion in the interest of this humble soldier.

Mr. BURTON of Missouri. Certainly; under the general law of 1862 a teamster, wounded as this man was, was entitled to a pension, provided he prosecuted his claim to a conclusion by the 1st day of January, 1874.

Mr. ERDMAN. I understand that.

Mr. BURTON of Missouri. He was not able to complete his proof within the time limited, because he could not find the witnesses. The limitation of time having gone by, his application was rejected simply because he was a nonenlisted man.

Mr. ERDMAN. And for twenty-three years he has been endeavoring to get the proof! Is that it?

Mr. BURTON of Missouri. He was endeavoring to get the proof for a number of years.

A MEMBER. But he did prove up.

Mr. BURTON of Missouri. Yes. And I know personally that with his crippled leg he is obliged, when he undertakes to walk, to drag himself along.

The CHAIRMAN. The question is on the substitute offered for the amendment of the committee.

Mr. BURTON of Missouri. I am not sure that I know what that is.

Mr. CROWTHER. It simply makes this bill conform to the other special bills which we are passing.

Mr. BURTON of Missouri. Very well; I take the word of my friend.

The substitute was agreed to; and the amendment of the committee as amended was adopted.

The bill as amended was laid aside to be favorably reported to the House.

LYDIA A. TAFT.

The next business on the Private Calendar was the bill (H. R. 577) granting a pension to Lydia A. Taft.

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 Lydia A. Taft as the widow of Lowell Taft, late a private in Company G, Eighteenth Regiment Connecticut Volunteers.

The amendment of the committee was read, as follows:

In line 5 of the bill strike out the words "pension laws" and insert "act of June 27, 1890."

Mr. McCLELLAN. Mr. Chairman, in the absence of my colleague, Mr. POOLE, I will take the liberty of making a brief statement in reference to this bill. It is a pension for a divorced widow, but represents a very exceptional case.

She never remarried after she had obtained a divorce. Her husband was a drunken beast, and she got her divorce from him chiefly upon the ground of extreme cruelty. Afterwards she helped to support him—after obtaining a divorce—and he died subsequently in the Soldiers' Home, and was buried at her expense. I think that it is so exceptional a case that there ought not to be any objection to its passage, and in justice to the claimant I ask the reading of the report in my time.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 577) granting a pension to Lydia A. Taft, report as follows:

The evidence before the committee shows that Lydia A. Taft was married on September 29, 1858, to Lowell G. Taft, who served as a private in Company G, Eighteenth Connecticut Volunteers, from August 21, 1862, to June 27, 1865. The soldier was a prisoner in the hands of the enemy for six months of the time covered by his long term of service.

The said Lydia A. Taft lived with the soldier as his wife from September 29, 1858, until February 12, 1862, at which time she obtained a divorce from him on the ground of his habitual drunkenness and failure to afford her support. While she has not lived with said Taft since the granting of said divorce, she has from time to time contributed from her slender means toward his support. The soldier died at the Soldiers' Home at Noroton, Conn., in January, 1891. His remains were taken to his former home and buried at the sole expense of his former wife. The soldier never received a pension.

It appears from the evidence before your committee that Lydia A. Taft is in advanced years, in poor health, and that she is poor—her net income from a small piece of property owned by her being but \$70.97 per annum.

In view of the facts clearly shown by the testimony, the long and honorable service of the soldier, the fact that the said Lydia A. Taft was his wife during that service, suffering privation and anxiety on account of the same, her continued care for him up to his death, and then providing and paying for his burial, together with her age, failing health, and present need, your committee recommend that the bill be amended by striking out, in line 5, the words "pension laws," and inserting in lieu thereof the words "act of June 27, 1890," and that the bill as amended do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside with favorable recommendation.

HORACE TOWNSEND.

The next business on the Private Calendar was the bill (S. 136) granting an increase of pension to Horace Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace Townsend, late of Company A, Tenth New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month, in lieu of that he is now receiving.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 136) granting increase of pension to Horace Townsend, having carefully considered the same, and adopting the accompanying Senate report (No. 46) as their own, respectfully report the bill back to the House with the recommendation that it do pass.

[Senate Report No. 46, Fifty fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 136) granting an increase of pension to Horace Townsend, have examined the same and report:

Claimant under this bill was a member of Company A, Tenth New Hampshire Volunteer Infantry, serving from August 5, 1862, to May 31, 1865, at which latter date he was discharged from hospital in consequence of a gunshot wound of the foot.

Soldier was first pensioned at \$2 per month, which was successively increased as the wound became worse to \$4, \$8, \$12, \$16, and \$17. About six years and a half ago soldier had abscesses (or carbuncles) on the head, which it is believed was the result of blood poisoning from the wound, and from which, it is alleged, his eyesight became affected. Certain it is that from some cause the eyes became seriously affected, total blindness resulting in a few months after the abscesses first appeared. Soldier has been totally blind

for six years. Since the close of his Army service he lost the left forearm as a result of accident, so that now he is in an exceedingly deplorable condition.

Application was made for increase on the ground that the blindness resulted from blood poisoning. The medical board at Nashua, N. H., gave it as their opinion that he was entitled to \$50 per month; the medical board at Manchester, N. H., rated him at \$72 per month, and the medical board at Concord, N. H., said: "It is our opinion that claimant's blindness is a result of his gunshot wound."

Had this opinion been accepted claimant would have been granted \$72 per month, the rate for total blindness. But notwithstanding the judgment of these three medical boards, before whom the claimant personally appeared, the medical referee of the Pension Bureau refused to accept blindness as a result of pensionable causes, and the claim was rejected.

Your committee is clear in the opinion that this is an entirely meritorious claim, and therefore report the bill back favorably with a recommendation that it do pass.

Mr. CONNOLLY. What is the amount of pension granted by the bill?

Mr. PICKLER. Fifty dollars a month.

The bill was laid aside to be reported to the House with a favorable recommendation.

ALBERT ELLIS.

The next business on the Private Calendar was the bill (H. R. 708) to increase the pension of Albert Ellis.

The bill was read, as follows:

Be enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Albert Ellis, late of Company K, Twelfth Kansas Volunteer Infantry, at the rate of \$24 per month, in lieu of the pension that he is now receiving under certificate numbered 301358.

Mr. WOOD. I ask that the report in this case be read. It is quite brief and cites the facts in the case.

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

In the case of Albert Ellis (H. R. 708), Twelfth Kansas Volunteers, the evidence submitted shows without any controversy:

1. That Ellis served from August 20, 1862, to May 26, 1865, and has an honorable discharge and record.
 2. That he now is suffering from granulated sore eyes, and is totally unfit for manual labor.
 3. That this disease is of service origin, and was incurred while guarding prisoners, by exposure, and probably also by contact with some diseased person. His first medical examination, October 8, 1884, showed one-half disability; his second, December 2, 1885, total; his third, February 5, 1890, twelve-eighteenths; his fourth, April 29, 1891, seventeen-eighteenths. At this last examination he could not distinguish a letter upon a card (Snellen's) at 4 feet distance.
 4. He has steadily grown worse from his discharge, at which time the record shows him to be suffering from purulent iritis (an inflammatory discharge of poisonous matter from the eyes).
 5. He was pensioned at \$4 from August 29, 1884; at \$8 from December 2, 1885; at \$12 from February 5, 1890. His claim for increase February 15, 1892, was rejected for reason of "no increase."
 6. His original application and all subsequent ones for increase set out disease for which he now asks increase.
 7. He was discharged from hospital. His pension is under act of July 14, 1862. One medical referee has found a rating of one-half; another, total; another, twelve-eighteenths; another, no increase.
- Your committee believe from the evidence submitted that the disability of this soldier is more than the loss of a hand or foot, and therefore recommend the passage of the bill.

Mr. ERDMAN. I hope the gentleman in charge of this bill will give us a very much more extended statement than that contained in this exceedingly terse report.

Mr. WOOD. Mr. Chairman, I desire to state in regard to this bill that the evidence before the committee was quite voluminous. The substance of it is set forth in the report.

I have seen this soldier myself. At a distance of 4 feet he was unable to distinguish a single figure or letter upon the test card known as Snellen's card. The letters on this card range from a very small size to letters 4 inches in length and correspondingly broad. The testimony is without any controversy that he suffered from this disease at the time of his discharge. He was discharged from the hospital, and the evidence shows that he was then suffering from this very disease. The testimony following from that time down to the present time shows that he has grown steadily worse all the time until his present condition is such that at 4 feet distance he is unable to distinguish a letter on the card referred to. He is substantially helpless and can not hoe corn, because he could not tell the weeds from the corn; he could not chop wood, because he could not see whether he was hitting at the stick or his foot; he could not drive a team; he could not sell goods, because he could not distinguish the quality of the goods at 4 feet or any other distance.

His record is good; he acquired the disease in the line of duty in the service, and the rate accorded by the bill is in exact correspondence with the rate in the Pension Office, where the disability is equivalent to the loss of a hand or a foot, and is fixed at \$24 a month.

The finding of one of the medical referees is that he is totally blind, and the testimony of the examining board shows substantial blindness, and yet it is a fact that he can just see a faint glimmer of light.

Mr. ERDMAN. What I would like the gentleman to explain and lay before the House is some testimony to sustain the state-

ment he makes in the first line of paragraph 3 of this report, namely, that "his disease was of service origin and was incurred while guarding prisoners." Will the gentleman be kind enough to explain that?

Mr. WOOD. I desire to state that his discharge and his hospital record both show that to be the fact, and the papers were before the committee at the time that the report was prepared, and at the time it was passed upon by the committee. The man is pensioned for that particular disability under the act of July 14, 1862. There is no question about that at all.

Mr. ERDMAN. This is a dispute, then, with the Pension Bureau as to the amount a pensioner ought to receive for a disability of this character?

Mr. WOOD. This is rather a dispute between the medical boards appointed by the Pension Office and the different referees to whom this case has been referred; but the fact remains undisputed that the claimant is substantially totally blind.

Mr. ERDMAN. What does the gentleman mean by the last paragraph of his report, in which he says the committee are of the opinion that the disability of this soldier is more than the loss of a hand or foot? Is this disability to be compared simply to the loss of a hand or foot?

Mr. WOOD. I understand that where any disability furnishes an obstacle in the way of obtaining a livelihood, equivalent to the disability of the loss of a hand or foot, such disability is pensioned at \$24 a month. That is the rating of the Pension Office, and it is for the committee, who know the circumstances of this soldier and the condition of his blindness, to say whether it is not equal to or even greater than the loss of a hand or foot. If the bill had been framed for \$30 a month it would not be unjust to grant it. The amount asked for was \$24 a month, and the bill was so framed, and no amendment was asked.

Mr. GROUT. What does he draw now?

Mr. WOOD. Twelve dollars a month.

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

Mr. PICKLER. I move that the committee do now rise, and that the bills which have passed the Committee of the Whole as amended be recommended to the House for passage.

The motion was agreed to.

The committee accordingly rose; and Mr. HEPBURN having resumed the chair as Speaker pro tempore, Mr. HOPKINS, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry bills, and had directed him to report to the House the bills H. R. 1139, S. 136, and H. R. 708, with amendments thereto, and with the recommendation that as amended they do pass; also the bill H. R. 1050 with the recommendation that it be recommended to the Committee on Pensions; also the bills H. R. 2142, H. R. 3993, H. R. 4182, H. R. 153, H. R. 3221, and H. R. 577, without amendment, and with the recommendation that they do pass.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that on the bills recommended for passage the previous question be considered as ordered on their engrossment, third reading, and passage, with the privilege of fifteen minutes' debate on a side in the House.

Mr. McCLELLAN. I can not agree to the previous question being ordered and the debate being limited to fifteen minutes.

Mr. PICKLER. Then say thirty minutes on a side.

Mr. McCLELLAN. Unlimited debate. Some may not take any time at all, and others may take an hour.

Mr. PICKLER. Would thirty minutes on a side satisfy the gentleman?

Mr. McCLELLAN. Scarcely; no.

Mr. PICKLER. How much time does the gentleman want?

Mr. McCLELLAN. Unlimited. We can not make any agreement as to the limiting of debate. Some may require no time at all. Others may require two or three hours.

Mr. PICKLER. That was the usage in the last Congress.

Mr. McCLELLAN. There has been no such agreement in this Congress.

Mr. PICKLER. Then I call for the reading of the bill on page 23, the unfinished business.

Mr. HANLY. Mr. Speaker, pending this request, I am informed that the point of no quorum will likely be made on reports No. 121, No. 118, and No. 123. I do not believe there is a quorum present. I have as a part of the unfinished business the bill H. R. 2054, report No. 133, about which there is no question, and to which there will be no objection. I ask unanimous consent of the House that I may now place that bill on its passage.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HANLY] asks unanimous consent that House bill No. 2054 be now taken up for consideration. Is there objection?

Mr. PICKLER. In fairness to other members, I can not consent to that. I call for the regular order, the reading of the bill which I have indicated.

RACHEL PATTON.

The unfinished business was the bill (H. R. 1185) granting a pension to Rachel Patton.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. LOUD. Can we not have the bill read, Mr. Speaker?

The SPEAKER pro tempore. Of course, if it is requested.

Mr. LOUD. There are some bills that I desire to object to.

The SPEAKER pro tempore. Does the gentleman desire this bill to be read?

Mr. LOUD. I do, in order that I may know what it is.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

The Committee on Invalid Pensions recommended the following amendment:

Strike out the words, in fourth and fifth lines, "subject to the provisions and limitations of the pension laws" and insert in lieu thereof "at the rate of \$20 per month."

The SPEAKER pro tempore. The hour of 10.30 o'clock having arrived, under the rule the Chair declares the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

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

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel L. Black, administrator, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a reply to the House resolution of February 11, 1896, relating to the cost of making a survey of the outlet of Lake Erie and other lakes and rivers—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance relating to the reconstruction of Rock Island Bridge, Rock Island, Ill.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 99) to supply the State of Kansas with copies of the muster rolls of the Third and Fourth regiments of Kansas Infantry, reported the same without amendment, accompanied by a report (No. 543); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. UPDEGRAFF, from the Committee on the Judiciary, to which was referred House bills Nos. 339, 3117, 5479, 4961, 4322, 4565, 3818, 4049, 4158, 1457, 4561, 5966, 6446, 6654, and House Document No. 167, reported in lieu thereof a bill (H. R. 6654) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes, accompanied by a report (No. 544); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. FAIRCHILD, from the Committee on Patents, to which was referred the bill of the House (H. R. 4178) providing for the use by the United States of devices covered by letters patent, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the House Calendar.

By Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota, reported the same with amendment, accompanied by a report (No. 566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

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. HALTERMAN, from the Committee on Pensions: The

bill (H. R. 3229) for the relief of Hannah Newell Barrett. (Report No. 542.)

By Mr. LESTER, from the Committee on War Claims:

The bill (H. R. 1328) for the relief of John W. Fairfax. (Report No. 545.)

The bill (H. R. 1329) for the relief of the heirs of the late Mrs. Mary Ann Randolph Custis Lee, of Fairfax County, Va. (Report No. 546.)

By Mr. MAHON, from the Committee on War Claims:

The bill (H. R. 3781) for the relief of Jacob R. Smith, of Jersey City, N. J. (Report No. 547.)

The bill (H. R. 6285) for the relief of W. B. Horner. (Report No. 548.)

By Mr. GIBSON, from the Committee on War Claims:

A bill (H. R. 6667) for the relief of Henderson County, Tenn., in lieu of House bill No. 1884. (Report No. 549.)

The bill (H. R. 5607) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. (Report No. 550.)

The bill (H. R. 2834) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee. (Report No. 553.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 6208) for the relief of James C. Slaght. (Report No. 551.)

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 1357) for the relief of C. Augusta Urquhart. (Report No. 552.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 1805) for the relief of the trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, W. Va. (Report No. 554.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 1891) granting a pension to Celestia R. Barry. (Report No. 555.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 1511) for the relief of Lydia Boynton Ferris. (Report No. 556.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky. (Report No. 557.)

By Mr. STALLINGS, from the Committee on Pensions:

The bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince. (Report No. 558.)

The bill (H. R. 1826) granting a pension to Henry Prince. (Report No. 559.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5226) to give increased pension to Gen. James C. Parrott. (Report No. 560.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum. (Report No. 562.)

By Mr. KERR, from the Committee on Pensions: The bill (H. R. 979) granting a pension to Frances E. Helfenstein. (Report No. 563.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5946) granting an increase of pension to Abram H. Parker. (Report No. 564.)

Mr. NEILL, from the Committee on War Claims, in lieu of House bill No. 1571, reported a resolution (House Res. No. 183) to refer said bill for the relief of the estate of Richard Higgins, late of Phillips County, Ark., to the Court of Claims. (Report No. 565.)

PUBLIC BILLS, MEMORIALS AND RESOLUTIONS.

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

By Mr. EVANS: A bill (H. R. 6659) providing for the withdrawal of distilled spirits from bonded warehouses by the distiller or owner, and for other purposes—to the Committee on Ways and Means.

By Mr. LIVINGSTON: A bill (H. R. 6660) to incorporate the National Capital Gas Light, Heat, and Power Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOW: A bill (H. R. 6661) to amend sections 4488 and 4489 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. SOUTHWICK: A bill (H. R. 6662) to provide for fortifications and for other seacoast defenses—to the Committee on Appropriations.

By Mr. MEREDITH: A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUD: A bill (H. R. 6664) authorizing the employment of substitute letter carriers to assist regular carriers in certain cases—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: A bill (H. R. 6665) for testing the Belduke combination propeller—to the Committee on Naval Affairs.

By Mr. PITNEY: A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, Lambertville, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 6668) to amend act regulating sale of intoxicating liquors in the District of Columbia, approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. HUTCHESON: A bill (H. R. 6669) authorizing and directing the Secretary of the Navy to donate 5 condemned cannon to George B. McClellan Post, No. 9, Grand Army of the Republic, of Houston, Tex., and for other purposes—to the Committee on Naval Affairs.

By Mr. CHARLES W. STONE: A bill (H. R. 6709) to authorize the appointment of a committee for any pensioner residing in the District of Columbia who is squandering his pension in drunkenness and vicious habits—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6710) to amend an act approved August 18, 1894, and to aid in the reclamation of the arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. McMILLIN: A bill (H. R. 6711) for the improvement of the Tennessee River above Chattanooga—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6712) for the improvement of the Cumberland River—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa (by request): A bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home—to the Committee on the District of Columbia.

By Mr. WASHINGTON: A joint resolution (H. Res. 129) authorizing publication of records and papers of the Continental Congress—to the Committee on Printing.

By Mr. HITT: A joint resolution (H. Res. 130) to provide for a new edition of the International Law Digest—to the Committee on Printing.

By Mr. HENDERSON: A resolution (House Res. No. 182) relative to the consideration of the bill (H. R. 6654) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes, as an amendment to the legislative, executive, and judicial appropriation bill—to the Committee on Rules.

By Mr. McEWAN: A resolution (House Res. No. 184) asking appointment of commissioner to inquire into feasibility of the application of direct legislation to Federal legislation—to the Committee on Rules.

By Mr. DE ARMOND: A concurrent resolution (House Con. Res. No. 24) recognizing Cuban independence—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 6260) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park, and the same was referred to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

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

By Mr. BINGHAM: A bill (H. R. 6670) making appropriation to the Department of Justice to pay Ellery P. Ingham, United States district attorney for the eastern district of Pennsylvania, for extraordinary services rendered in relation to the condemnation proceedings for sites for a new United States mint at Philadelphia—to the Committee on Claims.

By Mr. BOWERS: A bill (H. R. 6671) for the relief of Charles A. Nazro—to the Committee on Pensions.

By Mr. BURRELL: A bill (H. R. 6672) to grant a pension to Mrs. Mary E. May—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 6673) granting a pension to Noah Pillsbury—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 6674) for the relief of the estate of Stephen Kulp, deceased—to the Committee on War Claims.

By Mr. HEINER of Pennsylvania: A bill (H. R. 6675) for relief

of Mary T. Jackson, of Apollo, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6676) removing charge of desertion from record of James H. Cunningham, of Indiana, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 6677) for relief of Mary R. Jackson, of Apollo, Pa.—to the Committee on War Claims.

Also, a bill (H. R. 6678) for relief of E. L. B. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6679) granting a pension, etc., to Sylvester F. Hildebrand—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 6680) for the relief of Richard Mayse, of Brooklyn, N. Y., as found due by Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. McCLURE: A bill (H. R. 6681) to pension Charles W. Manville—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 6682) for relief of estate of Joshua Hill—to the Committee on War Claims.

By Mr. MURPHY of Arizona: A bill (H. R. 6683) for the relief of James T. Owens—to the Committee on Indian Affairs.

By Mr. OWENS: A bill (H. R. 6684) for the relief of Sarah K. T. Baker, of Lexington, Ky.—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 6685) for the relief of Edward G. Fugate—to the Committee on Invalid Pensions.

By Mr. PITNEY: A bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles—to the Committee on Military Affairs.

Also, a bill (H. R. 6687) for the relief of Caleb Aber—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6688) for the relief of the legal representatives of Margaret E. Woodward, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6689) for the relief of the estate of Stephen Roberts, deceased, late of East Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6690) for the relief of Mrs. Nannie A. Badley, administratrix of Henry Badley, deceased, of East Baton Rouge Parish, La., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 6691) for the relief of Bertrand and Gaudin Cazes—to the Committee on War Claims.

Also, a bill (H. R. 6692) for the relief of the estate of Adelon Vignes, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6693) for the relief of Gatien Decuir, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6694) for the relief of Hyacinthe A. Morgan, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6695) for the relief of Leandre Decuir, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6696) for the relief of the estate of Celina Patin, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6697) for the relief of Anna Decoux, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6698) for the relief of the estate of John Bird, of West Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6699) for the relief of the estate of Turner Merritt, late of Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 6700) for the relief of Mr. and Mrs. J. T. Strother, of Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 6701) for the relief of Emily C. McIntyre, of Livingston Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6702) for the relief of the heirs of Jacob Baum, Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6703) for the relief of Alonzo L. Boyer, Avoyelles Parish, La.—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 6704) for the relief of John W. McCaun—to the Committee on Military Affairs.

By Mr. BARRETT: A bill (H. R. 6705) granting a pension to John Eckland—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 6706) directing the Secretary of War to investigate the claim of John C. Phillips—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 6707) granting a pension to Margaret Newcomb—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 6708) for the relief of the trustees of Carson-Newman College at Mossy Creek, Tenn.—to the Committee on War Claims.

By Mr. TOWNE: A bill (H. R. 6714) for the relief of John A. Swenson, of Carlton County, Minn.—to the Committee on Claims.

By Mr. DE WITT: A bill (H. R. 6715) granting a pension to Susan E. De Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6716) granting an increase of pension to Jacob Heilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6717) removing the charge of desertion from the military record of William Y. Whitley—to the Committee on Military Affairs.

Also, a bill (H. R. 6718) to correct the military record of Mathias Krouse—to the Committee on Military Affairs.

Also, a bill (H. R. 6719) to correct the military record of Lockwood M. Wallace—to the Committee on Military Affairs.

By Mr. HYDE: A bill (H. R. 6720) granting an increase of pension to George Lowry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Lodge No. 11, Order Sons of St. George, of Brownsville, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions of the National Association of Manufacturers, favoring a classification of freight to be uniform throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Sidney M. Davis for relief, and for the passage of House bill No. 6619—to the Committee on War Claims.

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, favoring Government ownership and enlargement of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

Also, resolution of the Philadelphia Board of Trade, in favor of House bill No. 2563, for a navigating naval reserve—to the Committee on Naval Affairs.

By Mr. BARNEY: Memorial of citizens of Sheboygan, Wis., relating to the Sheboygan Harbor—to the Committee on Rivers and Harbors.

Also, memorial of citizens and business men of Port Washington, Wis., in favor of improving the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Petition of Washington Camp, No. 83, also Camp No. 303, Patriotic Order Sons of America, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BRODERICK: Petition of A. H. Harris and 50 others, of the State of Texas, protesting against the removal of the Federal court from Graham, Tex.—to the Committee on the Judiciary.

By Mr. BROWN: Resolutions adopted at a public meeting in Chattanooga, Tenn., February 22, 1896, favoring the establishment of a court of international arbitration for settling disputes between nations—to the Committee on Foreign Affairs.

By Mr. BRUMM: Petitions of Patriotic Order Sons of America, viz, Camp No. 66, Camp No. 96, and Camp No. 247, in support of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, protests of citizens of Nuremberg, Pa., against the appropriation of public moneys for sectarian undertakings; also petitions urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BULL: Petition of Lodge No. 205, Order Sons of St. George, of Newport, R. I., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COFFIN: Resolutions of the Department of Maryland, Grand Army of the Republic, asking for the recognition of the Cuban insurgents as belligerents—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Beloit, Wis., for submission of a constitutional amendment prohibiting appropriations of public moneys for sectarian purposes—to the Committee on the Judiciary.

By Mr. COUSINS: Resolution of John Kyle Post, No. 457, Grand Army of the Republic, of Coggon, Linn County, Iowa, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa (by request): Remonstrance of Le Grand Byington and other Iowa citizens, against the establishment of an army post at Des Moines, Iowa—to the Committee on Military Affairs.

By Mr. DINGLEY: Memorial of James R. Stone and 45 others, ex-soldiers, of Brownfield, Me., asking for the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of C. B. Scott and 116 other citizens of Bethany, Brook County, W. Va., asking the recognition of belligerent rights for Cuba—to the Committee on Foreign Affairs.

By Mr. GARDNER: Petitions of Junior Order United American Mechanics, viz, Veritas Council, No. 194, Stafford Council, No. 11, Ware Council, No. 198, American Star Council, No. 52, and Washington Council, No. 5, all of the State of New Jersey, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Resolutions suggested by Albert P. Schack, of Denver, Colo., in regard to the war in Cuba—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, for a uniform classification to shippers for all railroads in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Petition of Laura L. Mumma, of Colusa County, Cal., praying that the war claim of Samuel Grove, deceased, be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. HULL: Resolution of Council No. 5, Order United American Mechanics, of Des Moines, Iowa, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HYDE: Resolutions of the faculty and students of the University of Washington, favoring the establishment of a permanent board of arbitration—to the Committee on Foreign Affairs.

Also, memorial of citizens of the State of Washington, favoring the passage of joint resolution No. 11—to the Committee on the Judiciary.

Also, resolution of Ladd Post, No. 17, Grand Army of the Republic, of Puyallup, Wash., favoring the passage of service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Tacoma Chamber of Commerce, favoring the passage of Senate bill No. 1214—to the Committee on Agriculture.

By Mr. JENKINS: Resolutions of J. D. Robie Post, No. 273, Grand Army of the Republic, of Superior, Wis., praying for the passage of House bill No. 5555, authorizing the Secretary of the Navy to organize national naval volunteers in all States bordering on the Great Lakes—to the Committee on Naval Affairs.

By Mr. JOHNSON of Indiana: Remonstrance of the Peace Association of Friends in America, against the passage of bill providing for military instruction in the public schools—to the Committee on Military Affairs.

By Mr. LACEY: Petition of Charles Slaybaugh and 21 others; also petition of W. A. Fox and 20 others; also petition of Henry Wood and 24 others, favoring the free-home bill—to the Committee on the Public Lands.

By Mr. LOUDENSLAGER: Petition of Lucy Webb Hayes Council, No. 12, Daughters of Liberty; also petition of Silver Star Council, No. 26, Junior Order United American Mechanics, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of J. A. Burkett and 6 other citizens of Fairfield Center, Ind.; also petition of W. Barber and 111 others, of Cedar Rapids, Iowa; also petition of S. W. Stephens and 39 others, of Waverly, W. Va.; also petition of W. H. Munshower and 30 others, of Cockport, Pa.; also petition of J. F. Schlossih and 20 others, of Chicago, Ill.; also petition of G. R. Stone and 33 others, of Red Lion, Pa.; also petition of J. B. Phelps and 28 others, of Donohue, W. Va.; also petition of M. L. Drum and 78 others, of Shippensburg, Pa., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill for the relief of Edward G. Fugate—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of George F. Snyder and 122 others, of Washington, N. J., praying for the passage of House resolution No. 11—to the Committee on the Judiciary.

By Mr. PUGH: Paper to accompany House bill No. 6641, for the relief of Mary A. Danner—to the Committee on Military Affairs.

By Mr. STAHLE: Petition to accompany House bill No. 2975, granting a pension to the children of Zenas Macomber, late a soldier in the Revolutionary war—to the Committee on Pensions.

By Mr. STRODE of Nebraska: Petition of 34 ex-soldiers of Nemaha City, Nebr., praying for the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: Petition of the Albany Wholesale Lumber Dealers, of Albany, N. Y., in behalf of the recognition of the Cuban patriots as belligerents in their struggle for freedom—to the Committee on Foreign Affairs.

Also, petition of the Woman's Christian Temperance Union of Albany, N. Y., protesting against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Albany, N. Y., protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. TRACEWELL: Paper in support of House bill No. 6563, for the relief of Mrs. Sarah Gresham—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolution of American Star Council, No. 53, Order United American Mechanics, of Bryn Mawr, Pa., with a membership of 67; also petition of Pottstown Council, No. 78, Daughters of Liberty, of Pottstown, Pa., with a membership of 119, indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WILSON of Idaho: Petitions of H. G. Stratton and 15 others, Robert S. Spencer and 13 others, J. F. Congleton and 17 others, J. L. Smith and 38 others, W. E. Parker and 18 others, Oliver Hall and 104 others, Fred L. Coon and 10 others, and Alfred Boyer and 28 others, all of the State of Idaho, praying for the improvement of the Pend d'Oreille River, in Idaho—to the Committee on Rivers and Harbors.

By Mr. WOOLMER: Petition of H. W. Pottiger, president, and 58 members of Washington Camp, No. 576, Patriotic Order Sons of America, located at Halifax, Pa.; also petition of Grant Wallace and 80 other citizens of Newcomerstown, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 29, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 665) to confer rank and pay of a first lieutenant of infantry upon the director of gymnastics and instructor in swordsmanship at the United States Military Academy; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 665) to authorize the President of the United States to appoint and confer the rank of first lieutenant of infantry upon the director of gymnastics and instructor of swordsmanship at the United States Military Academy—to the Committee on Military Affairs.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, the bill making appropriations for the Army came over from the Senate yesterday. I move that it be taken from the table, that the House nonconcur in the Senate amendments, and ask for a conference.

The amendments of the Senate were reported.

The SPEAKER. The gentleman from Iowa moves that the House nonconcur in the amendments of the Senate and ask for a committee of conference.

The motion was agreed to.

The SPEAKER. The Chair announces as conferees on the part of the House, the gentleman from Iowa, Mr. HULL, the gentleman from Illinois, Mr. MARSH, and the gentleman from Tennessee, Mr. WASHINGTON.

VETO MESSAGE.

The SPEAKER. The Clerk will report the following bill, which has not received the approval of the President, and which the House must under the Constitution reconsider.

The Clerk read as follows:

A bill (H. R. 2769) to authorize the leasing of lands for educational purposes in Arizona.

Be it enacted, etc. That the lands reserved for university purposes and all of the school lands in the Territory of Arizona reserved by law for school purposes may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory, but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the

rules and regulations heretofore prescribed by the Secretary of the Interior for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases: *Provided*, That no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State: *And provided further*, That all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of the public school fund of said Territory and shall not be used for any other than public school purposes.

The SPEAKER. The question before the House is, Will the House, upon reconsideration, agree to pass the bill?

Mr. LACEY. I hope I may be able to secure the attention of the House—

Mr. McMILLIN. I rise to a point of order, Mr. Speaker. There is so much confusion that we are unable to hear the gentleman.

The SPEAKER. The Chair would be obliged if gentlemen would take their seats and cease conversation.

Mr. LACEY. I trust that I will be able to secure the attention of the entire House this morning while I briefly outline the nature of the bill, and the grounds on which the President vetoed it. The House is confronted with a grave constitutional interference upon the part of the President with a bill that has passed the committee unanimously, passed the House unanimously, and also passed the Senate unanimously. This bill is identical with the Oklahoma bill, which I ask to have the Clerk read.

Mr. SAYERS. Will the gentleman allow me to ask him to explain how the veto by the President is a "constitutional interference" with a bill passed by Congress?

Mr. LACEY. It is a "constitutional interference." It is by virtue of his constitutional authority. I do not mean an "unconstitutional" interference. We are confronted with a veto on this bill, and I want to say—

Mr. MILES. I do not want to be hypercritical, but can the gentleman call it an "interference" at all?

Mr. LACEY. Why, it is a fatal interference. Two great bodies going in opposite directions have met in collision one with another; and now we want to see which is right. I ask the Clerk to read the Oklahoma act, to which I invite the attention of the House.

The Clerk read as follows:

An act to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservation for university, agricultural college, and normal school purposes of section 13 in each township of the lands known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, in the Territory of Oklahoma, not otherwise reserved or disposed of, and the reservation for public buildings of section 33 in each township of said lands, not otherwise disposed of, made by the President of the United States in his proclamation of August 19, 1893, be, and the same are hereby, ratified, and all of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases.
Approved May 4, 1894.

Mr. LACEY. If a comparison is instituted between the bill which has been vetoed and the Oklahoma bill it will be seen that the two bills are essentially identical, the only difference being such changes as will adapt the law to Arizona instead of Oklahoma.

A MEMBER. When was the Oklahoma bill passed?

Mr. LACEY. It was passed in 1894. It was passed at the suggestion of the Secretary of the Interior and the Commissioner of the General Land Office. They expressly requested that the Secretary of the Interior be relieved from the necessity of approving the leases. The following is the report on that bill in the Senate in the Fifty-third Congress:

The Committee on Public Lands, to whom was referred House bill No. 5065, "An act to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes," have had the same under consideration, and we recommend that the bill be amended as follows, to wit:

Strike out all after the last "and" in the twelfth line of the said act and insert as follows:

"All of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases."

And as amended your committee recommend its passage.